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ARCHIVES OF MARYLAND//

Vol. 5

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

1667-1687/8

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND BROWNE

Editor



BALTIMORE

MARYLAND HISTORICAL SOCIETY

1887

PRESS OF ISAAC FRIEDENWALD,
BALTIMORE, MD.

ROOMS OF THE MARYLAND HISTORICAL SOCIETY,
BALTIMORE, *August 12, 1887.*

To the Maryland Historical Society:

GENTLEMEN:

We have the honor to submit the Fifth Volume of the Maryland Archives, comprising the Council Proceedings from 1667 to 1688, being the second volume in that series.

Respectfully submitted,

JOHN W. M. LEE,
BRADLEY T. JOHNSON,
HENRY STOCKBRIDGE,
Committee.

PREFACE.

This volume takes up the Council Proceedings from the point where our first Council Book stopped, and continues them from the originals in the possession of the State down to August, 1674, after which there is a gap of eighteen years in our records. This void we have, to a considerable extent, been able to fill, partly by the discovery of an original Council Journal of 1686-1689 (designated in the margin as Liber B, P.R.O.) in the Public Record Office, London, and partly by copies of other documents on file in the same office. Of these documents, many are transcripts from Maryland records, or such as must have been contained in the missing Council Books; while many are otherwise of great value as throwing new light on the history of the Province.

The papers accompanying Claiborne's petition, and especially the depositions in the suit of Claiborne against Clobery, lighten in some degree the darkness that covers the affairs of Kent Island before the reduction. It is now more than ever clear that the settlement there was no plantation, but simply a trading-post, established by a firm of London merchants, and managed in their interest. They had no grant of land, but merely a license to trade; nor did the settlers raise their supplies, but depended for these upon traffic with the Indians, and upon their London principals for commodities to maintain that traffic. We also see that Claiborne was not dispossessed by Baltimore, but by his own partners or employers, whose agent took possession, in their name, of the buildings, goods and servants, by quiet and unresisted legal process. To the land, of course, this agent made no claim, as neither Claiborne nor his partners pretended any patent; but after seeing the Maryland charter, he acknowledged the jurisdiction of Baltimore.

We also see (p. 267) that the principle of religious toleration was agreed upon between Cecilus and his first colonists before they set sail; and that soon after the first settlement "these conditions, by the unanimous consent of all who were concerned, were passed into a Lawe"—no doubt by the first Assembly, whose records are so unfortunately lost.

The trial of Fendall for that mysterious rebellion of his is here given in full, from the report originally taken down in shorthand by the clerk of the Council.

Here also are the first stages of the boundary dispute with Pennsylvania. We have a note of Penn's first application for a grant of land to extend no further south than the Maryland line, and his agreement

that the Susquehannough Fort* shall mark his southern boundary; then his letter to the Marylanders of Baltimore and Cecil Counties; the attempts to determine the boundary, and the proceedings of Markham; the interviews between Baltimore and Penn in Anne Arundel County and at New Castle, and the proceedings before the Board of Trade and Privy Council.

The murder of Rousby by Talbot, and the escape of the homicide, about which later tradition has spun a web of romantic fiction, are here mentioned, and have their place in a combined assault of animosity and cupidity upon the Proprietary's rights and territories.

In the first vol. of Assembly Proceedings (p. 538) the word "tamett," and in the Provincial Court Record (p. 77) the phrase "ocome spoons," were confessed by the editor to be too hard for him. Two obliging correspondents have furnished explanations. "Tamett" should be "tarret," or "tarrat," a provincial word, defined in a Hampshire Glossary (Eng. Dial. Soc.) as "a loft or room under the roof." "Ocome" is a phonetic spelling for "alchemy," a word used at the time to signify an alloy resembling gold. "Alcomie buttons" occurs in the *London Gazette* of 1677.

W. H. B.

* This was the fort, or block-house, built by the Maryland militia for the Susquehannoughs in 1661 (see *Council Proceedings*, first vol., p. 417), and placed exactly on the 40th parallel of latitude, as Herman's map (1670) shows. We thus see that the plea that Penn understood the southern and not the northern limit of the 40th degree to be his boundary was an afterthought.

NOTES.

- Page 4, line 27. the xxxiiijth of Aprill. *Sic* for "xxiiij^d."
- Page 8, lines 30, 35. Manure. Perhaps "manufacturers."
- Page 13, line 4 from bottom. p ut, *i. e.* "prout."
- Page 16, line 6 from bottom. were notably. Probably "not" omitted.
- Page 25, line 19. Blank in original.
- Page 28, line 13 from bottom. Quarela for "querela."
- Page 29, line 8. Exit regnum for "exeat regno."
- Page 30, line 26. a Babco for "Ababco," an Indian king.
- Page 30, line 30. The cross represents an inimitable scrawl.
- Page 43. Here Liber A. M. begins. The entries in original do not follow in chronological order. This volume abounds in clerical errors, which have been faithfully reproduced.
- Page 44, line 20. f divisional line. *Sic*, but probably a slip of the pen.
- Page 48. Breaks in original.
- Page 51, line 12. 1699 for "1669."
- Page 59, line 3 from bottom. Same error.
- Page 61, line 8. deluded. Probably "delivered."
- Page 63, line 14. 1699 for "1669."
- Page 66, line 21. Rich^d for "John."
- Page 70, line 14. his Lordships. "Council" omitted.
- Page 89, line 8 from bottom. Consigned that. Probably "to those that."
- Page 105, line 11. Importation for "exportation."
- Page 121, line 10. covert act. Probably "overt act."
- Page 127, line 19. answed. Perhaps "assessed."
- Page 128. Baltimore's answer will be found on p. 264.
- Page 133, line 23. beings, *i. e.* habitations, estates.
- Page 134. "Complaint from Heaven." This grotesque tirade of some illiterate fanatic was, no doubt, presented to the Privy Council.
- Page 137, line 14 from bottom. Pukly. *Sic*; perhaps "publique."
- Page 157. The petition of Claiborne is from the original on file in the Public Record Office.
- Page 161, line 6 from bottom. or should be "o^r," *i. e.* "our."
- Page 165, line 13 from bottom. Waspaines: Indian name for Spaniards.
- Page 167, line 27. The blank indicates a piece torn off.

Page 172, lines 11 and 27. Edouard for "Leonard."

Page 181. The words in brackets are torn away in the original, and conjecturally supplied by Mr. Sainsbury, under whose supervision the copies were made. Probably for "curia" we should read "parte," as this was an *ex parte* commission in the interest of Claiborne only. It seems, from the identity of phrase in these depositions, that they were not spontaneous answers, but drawn up by one hand for the deponents to sign.

Page 186, line 5 from bottom. The only reference that we have found in the records of sixty years to the eating of oysters by the colonists; and here it seems to have been suggested as an alternative to starvation.

Page 190, line 7. a peere for "apiece."

Page 207, line 7 from bottom. Wampampege. "Peak," Indian shell-money.

Page 246, line 8 from bottom. P. Nolleys should be "T. Notley."

Page 255, line 1. Zewant or sewant was the northern name for the Indian shell or bead money.

Page 255, line 12. ats. Perhaps "also."

Page 270, line 12. pene for "penes."

Page 287, line 3. Lyedell for "Lionel."

Page 297, line 10 from bottom. John Lynes. Error of scribe.

Page 298, lines 11 and 13. defend^t for "deponent."

Page 300. This charge of partiality to Papists is answered on pp. 309 and 354.

Pages 302, 303. These seem both to be extracts from the same letter; but as each contains something that is not in the other, both are printed.

Page 307, line 18. Citycants. *Sic*.

Page 321, line 34. news bad. Perhaps "none bad."

Page 323, line 12 from bottom. Waujany. Probably Nanjemoy in Charles County.

Page 336, line 16 from bottom. x^t. Probably wrong. The P. R. O. copyist seems not entirely at home in the court-hand contractions.

Page 370, line 1. Wee question. "Not" probably omitted.

Page 393, line 13. Asia Wariner Inlet. *Sic*. Probably Indian River Inlet, south of Cape Henlopen.

Page 411, line 7. from whome. *Sic*, for "from whence."

Page 412, line 19. Manheer prince, Governor John Printz. Vansweeringen or the scribe has made wild work of these names. "Younker passage" is doubtless Junker Pappegioia, Printz's son-in-law, called "Papagy" below. "Casimoirs" is Fort Casimir, and "Tenauum," Tinicum.

Page 413, line 3. stated. *Sic*, for "seated."

Page 413, line 4 from bottom. supuatargoe for "supercargo."

Page 415, line 13. Octeroy. "Octroi," or grant.

Page 421, line 18 from bottom. Tuttle fields, *i. e.* Tothill Fields.

Page 422, line 4 from bottom. Goo^t Slye. Perhaps "Cap^t Slye."

Page 424, line 27. let^e. Perhaps "lets."

Page 426, line 4. Ireland. *Sic*, for "Scotland."

Page 426, line 21. Asia Warmet. See note to p. 393. These two drafts are not duplicates. One measures by days' journeys, and admits a right in the Dutch.

Page 431, line 20. George. Apparently for "Gov^r."

Page 432, line 15 from bottom. Markissnookati. Error of scribe for "Markis Hook at."

Page 435, line 20. CheChesterati. Error of scribe for "Chichester att."

Page 439, line 12. Nich. for "Nehemiah."

Page 476, line 6 from bottom. Mackdonald. *Sic* in P. R. O.

Page 477, line 15. the desire for "they desire."

Page 479, line 13 from bottom. the Face. Probably "the Fall."

Page 490, line 16. Of these contractions q^u seems to stand for "containing," and the character B for "shillings."

Page 497, line 5. There should be a comma after "thrive."

Page 512, line 2 from bottom. one Tuce. The name of some place which the scribe could not make out.

Page 548, line 7. q d c. A contraction for "*quem Deus conservet*."

PROCEEDINGS
OF THE
COUNCIL OF MARYLAND.

CECILIUS CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

1661-1675.

Cæcilius Absolute lord and Prop^y of the Provinces of Mary-
 land & Avalon Lord Baron of Baltemore &c To all persons
 to whome theis presents shall come Greeting in our Lord God
 Everlasting Know yee that wee Reposeing Speciall confidence
 & trust in you Richard Collett of the County of Calvert in o^r Liber H. H.
 said Province of Maryland gent Have constituted Ordeyned P. 279
 & appoynt And Do by theis presents constitute Ordeine &
 appoynt you sherriffe of Calvert County afores^d And to have
 such priviledges & benifitts as any other sherriffe within this
 our Province of Maryland now hath or any other sherriffe of
 your s^d County ever have had held or Enjoyed To have and to
 hold the s^d Office or Employ^m^t for one whole yeare to be com-
 puted from the day of the date of theis presents And after till
 another sherriffe by our Leivtenn^t Generall shall be lawfully by
 Patent constituted Provided th^t you the said Richard Collett,
 Doe take the oath & give Security for the well dischargeing of
 your Office & trust according to the act of Assembly in that
 case provided Given att S^t Maries vnder our lesser Seale of
 our said Province of Maryland this fifteenth day of Aprill in the
 five & thirtyeth yeare of our Dominion over our said Province
 of Maryland Annoq. Dm̄ One thousand six hundred sixty seven
 Wittnes our Deare Sonn Charles Calvert Esq^r our Leiv^t Gener^l
 & Cheife Governo^r of our said Province of Maryland These
 are to will and Require y^{ou} th^t by the twentyeth day of July
 next you cause a list to be taken of all the Tithables within
 your County and that in the s^d list the name & Surname of p. 280
 each tithable person & the howse of his abode be distinctly
 sett downe & a Coppy thereof faire written & sent Imediately
 downe to the Governo^r & Councell & another Coppy of the
 said list sett vpon the Court house att the next County Court
 to remayne there for the whole yeare To the End th^t if any
 Errors be therein they may be Corrected & the same certified
 to the Governour and Councell before the first day of September
 next herein faile not as you will answere the Contrary And for
 so doing this shall be yo^r Warr^t Given vnder my hand this
 fifteenth day of Aprill in the yeare of our lord God 1667
 To Richard Collett gent
 High Sherrieff of
 Calvert County.

Liber H. H. You shall well & truely serve the Lord Proprietary in the Office of a Sherriff of the County of Calvert and doe his lo^{ps} proffit in all things that belongs vnto you by way of Office as farr forth as you cann or may You shall truely & Rightfully treat the people of your Sherriffwicke and doe Right as well to the Poore as to the Rich in all that belongs vnto your Office you shall doe no wrong to any man for any Guift. Favour hate or other Affeccōn You shall duely Execute soe farr as you may all such writts and warrants as shall be to you directed by lawfull Authority & thereof you shall make a true Returne according to the Tenor of the writt
So help you God

p. 281 Captⁿ Thomas Idem mutatis mutandis to Capt Tho:
Stockett, An Arrundell Sherriffe of Ann Arrundell
County Dated the xvth of Aprill One thousand
six hundred sixty seven

Leivt Col: Idem mutatis mutandis to Leivtenn^t Colonell
John Jarboe John Jarboe High sherriff of St^t Maries County
St Maries County Dated the xxijth of Aprill one thousand six
hundred sixty seven—for one whole yeare to be computed
from the 1st of may next

Benja Roser Idem mutatis mutandis to Benjamin Rozer
Charles County High Sherriffe of Charles Countye Dated the
xyth of Aprill one thousand six hundred sixty seven.

Nath. Stiles Idem mutatis mutandis to Nathaniell Styles
Baltimore County High sherriff of Baltimore County Dated the
xxxijth of Aprill 1667. for one yeare as above

Wm. Coursey Idem mutatis mutandis to William Coursey
Talbott County High Sherriff of Talbott County dated the xxijth
of Aprill 1667 for one yeare as above

Steph. Horsy Idem mutatis mutandis to Stephen Horsy High
Somsett Coty sherriffe of Somsett County Dat the xxijth of Aprill
one thousand six hundred sixty Seaven for one yeare as above

Richard ffitz Allen Idem mutatis mutandis to Richard ffitz Allen
Kent. High sherriffe of Kent County Dated the xxijth
of Aprill One thowsand six hund^d Sixty Seaven—for one yeare
as above

The aboues^d Com^{con} to Allen made uoid and one other
granted to moses Stagoll to be Sherriffe of Kent ut est in fo:
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The Governor and Council of Virginia,
their complaint against Lord Baltomore.
(June 1667.)

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To the Kings most sacred Ma^{tie}
And the Lords of his Ma^{ties} most
Hon^{ble} Privy Councell.

The Governor and Councell of the Collony
of Virg^a on behalf of themselves and the
said Colony doe in all

Humility p^rsent

That in November in the fourteenth yeare of yo^r Ma^{ties} Reigne wee received yo^r Ma^{ties} Royall instrucōns fully and in every part of them expressing your Pious and Princely care both for our protection and advancem^t—to w^{ch} wee doe and ever shall yeild our most humble and ready obedience and for w^{ch} wee shall for ever pay our most humble thanks to your Ma^{tie} and our most earnest prayers to God for his blessings upon yo^r Royall person and the continuance of yo^r Princely favours to us. And because amongst many others of the said Royall Comānds & instruccōns, one was that Com^{rs} should be appointed to meete and treat with other Com^{rs} for the Province of Maryland of the best and most effectuell meanes of lessning those vast quantities of Tobacco made in theise partes to the intent that from that Treaty such good rules might be established as might advance the price of that commodity, to the encouragement both of the Planter and Merchant, Wee have thought it our duty humbly to declare unto your Majesty and the Lords of your most hon^{ble} Privy Councell that in obedience to the s^d Royall comānd & also to an Ord^r of the 29th of June 1662 wee did on the 12th of May in the 15th yeare of yo^r Ma^{ties} Reigne meete & treat with certaine Commisso^{rs} appointed and impow-ered from Maryland the result of w^{ch} Treaty was, that the best way of preserving Tobacco (our only comōdity) in price & reputacōn was to lessen the quantity w^{ch} was by the increase of the numbers of Planters and their unlimited planting growne so great as to clogg all Marketts to the apparent impoverishing of these Colonies & the discouragement of the Merchants & th^t the best & most practicall meanes of lessening it as aforesaid would be by a strict prohibiting all or any to plant after the 20th of June as by the Articles of the said Treaty more fully may appeare. But those Articles being by the said Comiss^{rs} submitted to the consideracōn and approbation of the succeeding Assemblies of Virg^a and Maryland they mett with a speedy & ready confirmacōn in th^t of Virg^a but had the misfortune not to finde the same recepcōn in Maryland, (but were upon very unjust & untrue suppositions of our advantage in clime & seasons of

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the yeare) utterly disowned & quashed to our & their owne extreme disadvantage, and a cessacōn from planting propos'd as a better and more equall way of removing these pressing necessities & inconveniences which our unrestrained planting had brought upon us & them, but as if th^t proposition had been only intended as a meanes to preserve them from being thought contumaciously disobedient to yo^r Royall Comānds and altogether wanting to their owne preservacōn, & not to be really concluded on & effectually excused it was by them soone lay'd by, & forgotten till the Governo^r and Councell of this colony grieved for ourselves and them, from the contemplacōn of our mutuall unhappinesse occasioned by their obstinacy, w^{ch} preventing our better managem^t of the richest Commodity in the world (once every yeare in our owne hands) did evidently threaten both us and them wth extreme poverty, if not with utter ruine, resolved that we might be wanting neither in obedience to yo^r Ma^{ties} Royall Commands, nor to our owne nor their interest) to sollicite them again very earnestly to consider of theires & o^r owne present condicōn involved in mysteries & Calamities & for their redresse to yield & to conclude of a totall cessacōn from Planting one whole yeare, that by our experience of that remedy, wee might for the future, bee the better able to judge of w^t might bee more effectuall for our mutuall advantage, to w^{ch} end frequent messages were sent from the Governo^r & severall of the Councell of this Colony to those of Maryland & answers return'd but so ineffectuall that the Governo^r (to prevent so much as in him lay) our & theires still increasing & more threatening misfortunes tooke a resolution to goe in person to Maryland & accordingly accompanied by some of the Councell hee did in the depth of winter to the very great hazard of his health performe that journey, & in it dealt so effectually with the Lieut. Gen^l of that Province, & others of the most understanding persons of that Governmen^t by representing to their consideracōn both their very great advantage & certaine ruine, depending upon their well or ill managem^t of themselves & intereste, that they promised & concluded to do their utmost in their next Assembly to have a cessacōn confirmed by a Lawe for one yeare & were so just to themselves & us that by their meanes at an Assembly held in that Province on the 10th of April 1666 there passed an Act Entituled an Act for encouragem^t of Trade, whereby it was prohibited to all or any person or persons within the s^d Province to plant any Tobacco in the yeare 1667, provided the Assemblies of Virg^a or Carolina made the like Act, & amongst other things in the s^d Act contained, certaine Commiss^{rs} were therein nominated & impowered to meete & treat with other Comm^{rs} to bee chosen & impowered by the respective Assemblies of Virg^a & Carolina of the best & most effectuall meanes

for putting the s^d Act for a Cessacōn in execution, & to establish such rules & orders as might prevent or remove all jealousies of each other in the performance of the injunctions in the s^d Act conteyned or to be conteined. This Act being passed as afores^d in Maryland by the L^t Gen^l & the Chancello^r of that Province immediately Transmitted to the Gov^r of Virg^a & was by him as joyfully received, & an Assembly called at James City on the 5th of lune at the opening whereof hee communicated to them the Maryland Law for a Cessacōn & desired their concurrence with it, which they most readily & cheerfully granted by a Law intituled an Act for a Cessation & nominated and impowered Commisso^{rs} as the Assembly of Maryland had done to meete & treat as aforesaid and accordingly the said Com^{rs} wth the Governor and Surveigho^r Gen^l of Albemarle County in the Province of Carolina nominated & impowered by the said Province did make & treat at James City in Virg^a on the 12th of Iuly 1666. The results whereof was a full confirmacōn of the said Lawes to bee executed by such meanes & under such penalties as are expressed in the said Articles, wth a Proviso that the said Province of Carolina did make the like Acts, & being made should transmitt the same authentique coppies thereof to the Gov^{rs} of Virg^a & Maryland before the last day of September next after the date of the said Acticles, but that government being soone after invaded by the Indians was enforced to imploy a great p^t of the inter-mediate time in repelling those Barbarians, & consequently their Act for a cessacōn could not come to Maryland before the 5th of October the lapse of which five daies occasioned by the Invasion afores^d was at Maryland thought to be a breach of the Treaty at Iames City (so tender & scrupulous were some persons in the greatest concernment of their happiness or unhappiness, & enforced us to treat againe at S^t Mary's in Maryland on the 11th of December 1666. Where at last wee had the good fortune to confirme all the former Acts & Treaties & to returne well satisfied with each other, & to bring back with us the Certainty of a Cessacōn in Virg^a Maryland & Albemarle County in Carolina during the yeare 1667 w^{ch} did in an instant as it were by a miraculous effect cause us to despise & forget our former miseries, & filled us wth the contemplacōn of future happiness & prosperitys. But may it please yo^r most sacred Ma^{tie} & the L^{ds} of yo^r most Hon^{ble} Privy Councell, wee had not long pleased ourselves wth the opinion that by the aforesaid Transacōns wee had fully & effectually obeyed yo^r Royall commands sufficiently provided against our present misfortunes, & secured our reputacōns from the censure of posterity for neglecting ourselves and them when an Instrument under the signature & Seale at Armes of the Lord Baltemore in Absolute & Princely Tearmes, prohibiting the Execution of the s^d Act & Articles for a cessacōn

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overtook us like a Storme and enforced us like distressed Mariners after wee had long striven against all oppositions here & beene at three hundred thousand pounds of Tobacco charge to provide for their and our happinesses to throw our dear bought commodities into the Sea, when wee were in sight of our harbour, & wth them to drown'd not only our present reliefes but all future hopes of being able, to doe ourselves good, whiles wee are thus divided & enforced to steere by anothers compasse whose needle is too often touched with particular intrest, this unlimited and (as it appears to us) Independent power and authority of the Lord Baltimore doth like an impetuous wind blow from us all those seasonable showers of yo^r Ma^{ties} Royall care & favours, & leaves us & his owne Province weithering & decaying in distresse and poverty To conclude this unseasonable & unfortunate prohibition of the cessacōn hath not only increased the discontent of many of the Inhabitants of his Province but hath raised the grief and anger of almost all yo^r Ma^{ties} subjects of this collony to such a hight as required great care to prevent those disturbances which were like to arise from their eluded hopes & vaine expenses, and this misfortune had the greater impression upon us being unexpected by us, because wee knew that the Lord Baltimore could not be ignorant of the expresse words of that yo^r Ma^{ties} Royall instruction viz^t 3^{ly} whereas wee have been moved to putt some restraint upon the planting of Tobacco in that our Colony both for advancing the other Comodities, wee have recommended to yo^u, & because the price thereof falls so low by the great quantities brought in from o^r other Plantacōns, that the same in a short time will not be valuable to the Planters or Man^{ure} And whereas wee have been likewise moved to make some order for the Limitting the ships w^{ch} Trade thither, that they shall not lade & returne from thence but from & during some time limitted, at all w^{ch} debates yo^u have been present, & in all w^{ch} our Privy Councell have forborne to give any Determinacōn by reason of the difference of opinions between the Man^{ure} & Planters and Masters of Shippes no one party of w^{ch} seemes to be of the same minde & opinion, Wee doe recommend the consideracōn & debate of the whole to yo^u and yo^r Assembly to the end that upon the due deliberacōn of what is best for that our Colony, (wee meane for the generall good & future advancement thereof & not the particular proffitt of a few lesse industrious persons) such good rules may be established as may bee for the Publique benefitt. And because what shall be found necessary to be settled in these particulars, will require that the same provision be likewise made in Maryland. Wee doe direct yo^u that some Commiss^s bee appointed to treat with others of Maryland to that purpose & a fitt place agree'd upon for the same. In order whereunto

wee are all well assured that the Lord Baltemore will send directions to those who are trusted by him & if any thing shall be insisted on by them contrary to reason & prejudicial to our Colony of Virg^a upon representacōn thereof to us, wee shall give such determinacōn therein as shall be just. To w^{ch} Royal Iustice wee doe in all humility appeale, both for a vindicacōn of ourselves from any disobedience to yo^r Ma^{ties} Commands & our actions from any opinion of Levity & inconstancy in matters of so neare & important concernm^t. And for a redresse of our present injuries and a security from those mischiefes & inconveniences w^{ch} either are or are likely to fall upon this yo^r Ma^{ties} Colony, at present reduced to that strange extremity as to, remaine the poorer, the harder they labour for so little doth a great quantity of Tobacco yield that they have not time to improve any other commodities to their advantage. And doe therefore most humbly pray th^t as God has blessed us wth a most gracious & indulgent Prince, served by most hon^{ble} & prudent councell^{rs}. That yo^r Majesty by yo^r absolute power & Your Princely favour will be graciously pleased to protect this yo^r Ma^{ties} Loyall & most ancientest Collony from the violent & ruinous attempte of our Neighbours arm'd (as they pretend) wth absolute authority, & that yo^r Ma^{tie} & the L^{ds} of yo^r most Hon^{ble} Privy Councell will be pleased upon consideracōn of our whole complaints herein represented to yo^r Ma^{tie} to put such a determinacōn to it as shall seeme most juste, & th^t you will be pleased to apply such a remedy as may be proporcōnable to our distresse, Wherein if yo^r Ma^{tie} & yo^r most Hon^{ble} Councell^{rs} shall yet incline for the confirmacōn of a Cessation for the future (that wee may not appeare so ingratefull for such a blessing) wee are well contented th^t such impositions may bee putt upon our Co^mmodity as may fully repaire any deminution in yo^r Ma^{ties} Revenue occasion'd by the sd Cessacōn & shall for ever pray that God will blesse yo^r Ma^{tie} wth Victories and Tryumphs over all your Enemies and long continue you the greatest blessing upon earth, as to all other yo^r subjects so to this Colony & particularly to yo^r Ma^{ties} most Humble Loyall and obedient Servants, subjects & Creatures.

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Thomas Swann
George Reade
Edward Carter

Robert Wynne Speaker

William Berkeley
Thomas Ludwell Sec.
Robert Smith
Richard Bennett
Theodorick Bland
Thomas Stegge
Nathaniell Bacon
Henry Corbin
Milles Cary
Francis Willis

Vera Copia test.

Tho^s. Ludwell Sec.

Liber H. H.
p. 282 June 28th

Comcōn then issued and granted to Cap^t George Wells to be Cap^t of all the forces belonging to Cap^t George Goldsmys Company late de^d of the western Shore in Baltemore County—

issued in usuall forme mutatis mutandis in Com^{cōn} pro Jonathan Sibrey in fo: 237

Charles Calvert Esq^r Cap^t Gen^ll of all the forces within this province of Maryland under the Right Hon^{ble} Cæcilius Absolute Lord and pprietary of the same To Cap^t George Richardson of Talbott County Greeting According to the power to me by his said Lopp comitted, and vpon the speciall trust and confidence I haue in your fidelity, circumspection Courage and good conduct I doe hereby Constitute Ordaine and appoint You Cap^t under me of all that troop of horse that shall march Out of Choptanck and s^t Miles rivers in Talbott County aforesaid upon any expedition against any Indian enemy whatsoeu^r and them the said forces to muster exercise and traine up in the art of warre and military discipline and in all things to doe as any Cap^t of a troop of horse may or of Right Ought to doe to the resistance of all enemyes, suppression of all mutinies, insolencyes, insurrections and rebellions whatsoeuer according to such Orders and directions as you shall from tyme to tyme receive from me and to that end to list such and so many of the inhabitants within the p^recincts aforesaid as shall come in under your comiand, and them so listed, when and as often as you shall thinke fitt and convenient to muster and trayne so th^t they may be in a readynesse as Occasion shall require to attend my further Comānds with fitting Armes and amunition for the expedition and purpose aforesaid, And further I doe hereby giue full power and authority to you the said George Richardson and all persons under your Comānd as aforesaid to destroy Kill burne and take all such Indians as shall be declared held and reputed enemyes to the inhabitants of this province And eu^{ry} and all such Indian or Indians So taken and made lawfull prisonner as aforesaid the same to conuert and improue to his and their Owne use and benefitt To haue and to hold the said Office & Comānd till the Lord Proprietary his Leisteñt or Cap^t Gen^ll for the tyme being shall signifie his or their pleasure to the contrary And all persons whatsoeu^r are hereby Strictly charged and required to yeild all due Obedience to you the said Cap^t George Richardson in all things appurteineing to the comiand and Office conferred On you as they will answer the contrary at ther peril. Given under my hand and seale the Second day of July in the six and thirtieth yeare of his Lopps Dominion Over the said province Annoq. Domⁱ One thousand six hundred sixty seaven:./

Mutatis mutandis to Philemon Loyd Cap^t of the horse in Chester and Wye River. Liber H. H.
p. 283

Mutatis Mutandis to Jacob Bremington Cap^t of the foot in Chester and Wye River—

Mutatis Mutandis to Hopkin Davis Cap^t of the ffoot in Choptanck and S^t Miles Rivers.

Moses Stagdoll constituted Sheriff for Kent County (ut forma 279) mut. mutandis for One whole yeare to be computed from the last of May last past and after &c dated 5th July xxxvjth yeare. Edmund Burton security

warr^t to Cap^t Vaughan to sweare the said Stagdoll also to take bond for the true performance thereof—. value 500 £ sterl

July the xvijth MdClxuij

patent Denizacōn mutatis mutandis
ut est in fol 277. John Jourdean.

Att a Councell held att Petuxent the 6th day of Aug^o 1667

Charles Caluert Esq^r Leiutenn^t Generall and Cheife Justice

Pr^{sent}—Philip Caluert Esq^r Chancello^r

Ierome White } Esq^{rs} Justices
Henry Coursey }

Cap^t In^o Odber and his Seruant being lately murdered by some of the Wiccomeses Indians, and sattisfaccōn being of them demanded and to returne and deliuer up those Indians (who Committed the murder) by William Coursey Esq^r being impowred thereunto by the Gouverno^r, which said demand was utterly refused to bee answered by them, alleadging that the English had kill'd them a woman which they thoughte sufficient sattisfaccōn, therefore did expect those foure Indians now in Custody att s^t marys (and lately taken prisoners by the English to be detain'd untill the murderers were brought in by the Wiccomeses) should be deliuered up, and that then they would make Articles of peace wth the English otherwise they would not

Whereupon after a full Relacōn giuen of all proceedings by said Coursey being p^{sent} in the said expedicōn to the towne of the wiccomeses and att the taking of the abouesaid foure Indian Prisoners by names Tawahcomoco, Oughseecough, Augheirtt Stannough, and Oneawont The whole Board doth adjudge the said 4 Indians Condemned to dye as Enemyes to the Inhabitants of this prouince—

Liber H. II.
p. 284

Further Ordered that Proclamacōn doe issue throughout the prouince (uizt) That the Wiccomeses Indians bee declared held and reputed Enemyes to the Inhabitants of this prouince as alsoe all other Indians that shall receiue harbour or enter-taine them—

Alsoe Ordered that L^t W^m Smyth be satisfysed for his Charge in keeping in Custody the said 4 Indians and their Guard, out of the publicque leauy 1295^l tob: and 2590^l tob: more by the Gouverno^r & Chancello^r Who takes to their owne uses the three young Indians last named and payes the said Charge for the Country the Old Indian being first named to be forthwith Executed—

Charles Calvert Esq^r Cap^t Generall of all the forces within this province of Maryland under the Right Hon^{ble} Cæcilius Absolute Lord and proprietary of the same To Major Thomas Ingram of Talbott County Greeting According to the power to mee by his said Lopp Comitted and upon the speciall trust and Confidence I have in your fidelity circumspection courage and good Conduct I doe hereby Constitute Ordaine and appoint you Major and Comander under Mee of all the forces that at present are raised or which hereafter shall be raised or Come in under your Comānd to march in any expedition against all such Indians as are or shall be declared held Knowne and reputed enemyes to the Inhabitants of this province Revoking and annulling by these presents all powers Comissions or Constitutions made by me to any person or persons whatsoever relateing or tending to any Comand or Office in the said March or expedition against the abovesaid enemy Giving and Granting to you the said Major Thomas Ingram full power and authority to Depute Ordaine and appoint such and so many Officers as shall be requisite, necessary and of ability to Officiate under your Comānd which said power or Comānd so by you deputed Ordained or appointed by vertue hereof shall be as firme and effectuell to all intents and purposes as if imediate Comission did proceed from mee with the like power to the said Officer or Officers provided alwayes that such Comissions or power so given by you exceed not the limitts of your owne Or contrary to such directions Orders or instructions as I doe herewith send or which hereafter you shall from tyme to tyme receive from Mee, which forces abovementioned you are hereby required to muster exercise and traine up in the Art of warre and in military discipline and in all things to doe as any Major of a Regiment may or of Right Ought to doe to the resistance of all enemyes suppression of all mutines, insoleneyes insurrections and rebellions whatsoever And to that end to list such and so many of the inhabitants of your

County and all Others that shall come in under your Comānd as you shall thinke fitt and necessary and them so listed when and as often as you shall thinke Convenient to muster and trayne so that they may be in a Readynesse as Occasion shall require to attend my further Comānds with fitting Armes and amunition for the expedicōn and purpose aforesaid To haue and to hold the said Office and Comānd till the Lord Proprietary his Leiften'nt or Cap^t Generall for the tyme being shall signifie his or their pleasure to the Contrary And all persons whatsoever are hereby strictly Charged and required to yeild all due Obedience to you the said Major Thomas Ingram in all things appurteineing to the Comānd and Office conferred On you as they will answer the Contrary at their perils Given under my hand and seale the seaventh day of August in the six and thirtieth yeare of his Lopps Dominion Over the said province Annoq. Dom̄ MDClxvij

Liber H. H. p. 285

Att a Councell held att S^t Marys Aug^o 24th 1667

Charles Caluert Esq^r Leiutenn^t Generall

Prsent—Philip Caluert Esq^r Chancello^r

Jerome White Esq^r Cuncello^r

Mr Francis Wright of Baltemore County being sent by the Susquehannoths to the Gouverno^r and Councell was called in, Who declared that the said Indians did require assistance & amunicōn from the Councell sufficient to goe ag^t any Indian Enemy & likewise declared Enemyes to the inhabitants of this prouince according to One of the Articles of Agreem^t and peace made by the English to the said Susquesahanoughs,

Whereupon Ordered that soe many men be prest as the Susquesahanoughs shall require to their aide and Assistance and sent them up forthwith

Also that a quantity of powder be deliuered unto Mr. Francis Wright, and the said Indians to be supplied out of the same as the said Wright shall see requisite and Conuenient

The Gouverno^r and Councell hath further determined to goe up into Baltemore County and there to giue the Susquesahanoughs a meeting about the 15th day of September next to treat wth the said Indians about the peace and safety of this prouince, how to proceed (with the Susquesahanoughs assistance) ag^t any Indians now held and declared Enemyes to this prouince—

Commission yssued to Cap^t Leivtenn^t Smith dat. the 7th of Septemb^r 1667. Idm mutat. mutandis p ut as to Nicholas Young folio. 250.

Idm mutat mutandis to Lievtenn^t Daniell Jenifer p ut to W^m Smith foli 252. dat. 7th septemb 1667

Liber H. H.
p. 286 Octobr^r 4th 1667

New Com^{cōn} then issued for the Peace in Caluert County, ut est in folio 246, for the County of Ann Arrundell the Comm^{rs} for that County and in the said Com^{cōn} enclued are as followeth (uizt)

| | | |
|--------------------|-----------------|-------------------|
| Major Tho: Brookes | } of the Quorum | Fran: Anketill |
| Thomas Sprigg | | George Peake |
| Charles Brookes | | Will: Groome |
| John Abington | | Tobias Norton |
| Hugh Stanley | | these foure |
| | | not of the Quorum |

Also in said Com^{cōn}. is Appointed John Gittings Clerke of the Records in the said County Court of Caluert Which said Courts are to be kept on such dayes as is appointed by the Act of Assembly in such Cases provided—

Charles Caluert Esq^r Cap^t Generall of all the forces wthin this prouince of maryland und^r the Rig^t Hon^{ble} Caecilij Abso-
lute Lord & Prop^r thereof To the Hon^{ble} Philip Caluert Esq^r
Greeting According to the power to mee by his said lopp
Comitted and upon the speciall trust and Confidence I haue in
yo^r fidelity circumspeccōn courage and good Conduct I doe
hereby Constitute Ordaine and Appoint yo^w Comand^r in cheife
und^r mee of all the forces that att p^rsent are raised or which
hereafter shall be raised or come in und^r yo^r Comānd to march
in this expedicōn att present intended in Talbott County against
any Indians that are or shall be declared held knowne or reputed
Enemyes to the Inhabitants of this prouince, Giuing and Grant-
ing to yo^w the s^d Philip Caluert full power and Authority to
depute ordaine and appoint such and soe many Officers as
shall be accordingly qualified and of ability to Officiate und^r
yo^r Comānd, which said power, or Comānd soe by yo^w Giuen
by uertue hereof shall be as firme and Effectuall to all intents
and purposes as if the same wth the like power should imediately
deriue from mee to the said Officer or Officers as aforesaid
which forces aboue mencōned yo^w are hereby required to
muster Exercise and traine up in the Art of Warr and in
Military discipline and in all things to doe as any Comānd^r in
Cheife may or of right ought to doe to the resistance and
destruccōns of all Enemyes suppression of all mutinyes inso-
lencyes insurreccōns & rebellions whatsoever, According to
such Orders direccōns or instruccōns as I doe herewith send
yo^w or which hereafter yo^w shall from time to time receiue from
mee and to that end to list such and soe many of the Inhabit-
ants of the said County of Talbott as also all such soldiers as
shall be prest out of S^t marys & Caluert Countyes for the said
Expedicōn and all Others as shall be prest or come in under

yo^r Comānd as yo^w shall think fitt and Necessary, and them
soe listed when and as often as yo^w shall thinke Conuenient to
muster and traine soe that they may be in a readiness as
Occasion shall require to attend my further Comānds wth fitting
Armes and Amunicōn for the Expedicōn and purpose afore-
said, And in Case of any Rebellion tumult or Sedition amongst
any the soldiers or other the inhabitants in Talbott County yo^w
haue full power and Authority by this Com^cⁿ to Exercise
martiall lawes against all such Rebellious Mutinous or seditious
persons who shall refuse to submitt themselues to this your
Comānd or to Serue in the warr or shall flye or forsake their
Ensignes or be loyterers or straglers or Otherwise howsoever
offending ag^t the law Custome or discipline militarily as freely
and in as Ample manner and forme as I my selfe by uertue of
his lopps Commission to me as Leiutenn^t Generall mought doe
if I were then and there p^rsonally p^rsent To haue and to hould
the said Office and Comānd till the lord Proprietary his lei-
utenn^t or Cap^t Generall for the time being shall signifye his or
thereir pleasure to the Contrary and all persons whatsoever
are hereby Strictly charged and Comāded to yeild all due
Obedience to yo^w the said Philip Caluert Esq^r in all things apper-
taining to the Comānd and Office hereby Conferred on yo^w as
they will Answer the Contrary at their perills Guen und^r my
hand and lesser seale of this prouince of Maryland the eleuenth
day of Octob^r in the Six and thiretyth yeare of his said Lordsp^s
Dominion Ouer the said Prouince Annoq Domini One Thow-
sand Six hundred Sixty Seauen—

Liber H. H.

Signed Charles Caluert

The Lord Baltimores Answer to the Representation
delivered to his Majesty in Councell the 16th of October
1667 from the Governor & Councell of the Colony of Virg^a

P. R. O.
Colonial Pa-
pers, Vol. 21,
No. 133.

As to the Instructions from your Majesty of November in
y^r 14th yeare of your Majesties Reigne 1662 mentioned
in the said Representation, he never saw the same, & knoweth
not what was therein contained.

But as to the Order of the 29th of Iune 1662 We did see the
same, & did thereupon give orders to his Lieutenant of his
Province of Maryland to appoint Commissioners to treat with
such Commissioners as should be chosen in Virginia to treat
about the lessening of the quantities of Tobacco. That in
obedience to the said order Commissioners did meet from
both places, & treat in May the 15th yeare of your Ma^{ties} reigne,
at which meeting a proposall was made by those of Maryland
for a Cessacōn for a year but the same was then rejected by
those of Virginia they then alledging these reasons against it.

P. R. O.
Colonial Pa-
pers, Vol. 21,
No. 133.

1st In regard all Masters are obliged by the Custome of both Collonies to give every one of their servants that have served out his time a years provision of corn, clothes & planting tooles upon his departure out of service to set up for himself, it would so happen that the said Masters would not be able to perform this obligation to such servants as should become free at the end of the Cessacōn yeare, because they would have no crops of Tobacco to purchase clothes, planting tooles, and other necessaries for them. Because in such year of Cessacōn no shipping would come into those parts, and such Cessacōn would be a means to force those ships which usually traded thither to seek and settle in new employments, and to engage in new waies of Trade never in probability to return thither again. This way therefore not being approved another way by a stint from planting of Tobacco after the 20th day of Iune, every yeare was agree'd on to be proposed to the next respective Assemblies of each government, and accordingly it was proposed unto, but disapproved by the next Assembly of Maryland.

1st Because of the disadvantage that would be drawn upon them in Maryland as scituate more northerly than Virginia.

2nd Because for the present the people of Maryland were uncapable of carrying on any other worke to procure a livlyhood.

3rd Because it would not answer the end proposed unless your Majesty put the same restraint upon all your Majesties Dominions in the West Indies to whom occasion might be given to increase their quantityes, by the lessening or Cessacōn imposed in Virginia and Maryland. This being the issue of that Meeting and Treaty by Commissioners, it pleased the governor Councell & Burgesses of Virginia to prefer a petition in the year 1664 unto your Majesty in Councell, by way of complaint, or charge against those of Maryland as refusing to give obedience unto your Ma^{ties} Commands, & praying your Ma^{ties} reliefe in relacōn to the premises, & to annex certaine Proposals thereunto upon which your Majesty was graciously pleased to order copies of all their papers to be sent unto the Lord Baltemore, and an answer was then humbly given in by him in which he humbly offered, (amongst other things) these reasons against the lessening of the Quantity of Tobacco vizt:

1^o That if the quantity were notably lessened it would not answer the desired end, and if it were notably lessened it would notably lessen your Majesties Customes & Excise.

2^o That the industrious Planters in Virginia and Maryland live in much greater plenty, and gaine estates much sooner than those of their quality in England consequently the value

& trade of Tobacco is not so low & contemptible as those of Virginia who were partyes to that petición pretended.

P. R. O.
Colonial Papers, Vol. 21,
No. 133.

3^o The restraining of the poor people from planting Tobacco (their only meanes of livelyhood and substinence) would very probably much endanger the Peace of the Province. To which reasons then offered he craves leave now to add these following, aryseing from late and fresh experience.

1^o There are more Ships this year bound for those Colonies than have gone thither in any one year since they were first planted, which would not be if Tobacco (their onely Comodity) were of no esteem, or that it were a drugg wth which all Markets are glutted.

2^o Though the quantity were lessened, and the price thereby inhanced in these parts, yet the poorer sort of Planters (who are the most in number, and of whom the Lord Baltemore must have as tender a care as of the rich) would have no advantage of it, ffor these wanting clothes, and necessities wth w^{ch} they were unable to stock themselves beforehand for so long a time as a whole year (in which no supplies will come) will be inforced to sell their Comodity either to the Merchant, or the richer Planters at the buyers price, so that which is desired may probably have the effect to make the merchants here or the more substantiall Planters these (who have stocks to engrosse the Comodity) more rich, but it would wholly ruine the poor who are the generality of both Provinces.

This answer being delivered in, after severall debates, the whole matter was by your Ma^{ty} referred to the Lords Committees of this Board for Plantacōns to consider and report their opinions to your Ma^{ty} whereupon the said Lords Committees upon a full hearing of all partyes November the 19th 1664 (at which your Ma^{ties} foresaid Instructions to S^r William Berkeley were urged by the Virginia Agents) and after having consulted with the farmers of the Customes thought fitt (amongst other things) to report to your Ma^{ty} That the proposall touching a Cessacōn, stint or limitation of Planting Tobacco in the said Plantacōns is inconvenient both to the Planters and your Majesties Customes.

Upon which report your Majesty present in Councell was pleased the 25th of Novem: 1664 to order expressly that there should be no Cessacōn, stint or limitation imposed on the planting of Tobacco in those plantacōns a copy of w^{ch} order is hereunto annexed, which he humbly prayes may be read although they take no notice of it at all in their Representation.

And this was the end of that troublesome business for that time, and the Lord Baltimore did hope that such a positive Order made by your Ma^{tie} in Councell would have put an end to it for ever.

P. R. O.
Colonial Papers, Vol. 21,
No. 133.

But as if no such order had been ever made or as if that order had signified nothing those of Virginia were pleased in the year 1666 (as appears by their said Representation) again to apply to those of Maryland in the same affair, and did prevail with the Major part of the Assembly in Maryland, to pass such an Act as in the said Representacōn is mentioned, but with much difficulty as appears by the Representers own acknowledgement. Neither doth the Lord Baltimore think it strange that the Councell & Major part of the Assemblies of both Collonies (which consist of the ablest Planters) should agree to such Cessacōns, or that the Merchants here should desire the same, it being in truth the way to make them rich in one year, and upon the very first essay, and to compell the poorer planters to enter into new servitudes to the more rich to gain subsistance. Neverthelessse the speaker (& some other considerable members of the Assembly of Maryland) in whom regard to the public quiet had overuled all other consideracōns well forsook that such an Act (which did in effect tye up poor men's hands from working out their necessary livelihood) would very probably endanger the peace of the Province and provoake the people to sedition, he therefore when he saw it was carried by the Major part of the said Assembly by a letter to the Lord Baltimore signed by himself, and some other members of the same Assembly, sought relief agst so great a grievance, neither was it reputed such in Maryland alone, for your Ma^{ties} abovementioned Order of the 25th of November 1664 for the prohibiting any Cessacōn was received (as he hath bin well informed) wth much satisfaction by the generality of the people of Virginia also By which it appears how vaine that pretence of the Representers is, when they say that the Lord Baltremores disassent to the Cessacōn in Maryland had like to have bred disturbance amongst the people in the Colony of Virginia.

The Lord Baltimore therefore agrees it to be true that in persuance of the said Orders of the 25th of November 1664 and not any private interest of his own (as these Representers suggest) he did by a particular Instrument (according to Custome) declare his dissent, disagreement and disapprobation of and unto the sayd Act in Maryland.

The last Clause of the said Representation is an offer to make a bargain wth y^r Majesty, the effect of which is that if your Majesty will please to order a Cessacōn for one year to the ruin of all the poor planters of the Colonies, & to the damage of your Majesty of at least four score thousand pounds in yo^r Ma^{ties} customes and excise for Tobacco for that year, and all this to give them and others of the richer

sort an opportunity of getting great estates at an Instant. They are content that such Impositions may be put upon their Comodity as may fully repaire any diminution in your Ma^{ties} Revenue that may be occasioned by the said Cessacōn from planting of Tobacco, so as they grant it will be a notable diminution in your Ma^{ties} Revenue but tell you not what Comodities, or when it shall be recompenced w^{ch} indeed they could not well doe for it is well known that those Countryes cannot produce in a long time any other Comodity, w^{ch} can recompense your Ma^{ty} by way of Custome for such a losse.

P. R. O.
Colonial Papers, Vol. 21,
No. 133.

From all which premises the Lord Baltemore humbly conceives that the guilt of disobedience which these Representatives would unjustly fix upon him is by the said Order of the 25th of November 1664 retorted upon them whose disobedience to that Order hath created this present trouble

He therefore humbly prayes that since the substance of this Representation from Virginia is nothing but what hath bin allready heard, and determined at this Board that your Majesty will be pleased to dismiss it, and to order that the Lord Baltemore be put to no further trouble in it.

C. Baltemore.

Rec^d & Read 16th October 1667.

Report concerning a Treaty between
Virginia & Maryland.

No. 140.

30th October 1667.

According to the Order of this Board of the 25 of this instant a Representation from the Governor & Councill of Virg^a in behalf of themselves & the Colony delivered by Colonell Moryson, and the answer of the Lord Baltemore Lord & Proprietor of the Province of Maryland were read and considered of—

The said Governor & Councill of Virginia sett forth in the said Representacōn that in pursuance of his Ma^{ties} Instructions to S^r William Berkeley in the 14th yeare of his Ma^{ties} Reign they had endeavoured by generall meanes wth those of Maryland to agree upon some expedient to lessen the quantity of Tobacco planted in those Colonies thereby to enhance the price of that Comodity at that time become a drugg as they pretended) of no value, that at length both those Colonies and Carolina also had made an Act of Assembly in each Province respectively in the year 1666, forbiding the planting of any Tobacco at all during this present year 1667. But the Lord Baltemore Lord & Proprietary of Maryland having declared his dissent to the said Act in his aforesaid Province of Maryland by an Instrument under his hand and seale at

P. R. O. Armes, rendered the aforesaid Agreement betwixt those said Colonies vaine upon w^{ch} the aforesaid Governor & Councell of Virginia addresse their foresaid Representation to his Ma^{ty} & the L^{ds} of his most Hon^{ble} Privy Councell by way of complaint against the Lord Baltimore as an obstructor of the public good of those Colonies. The Lord Baltimore, by his answer to the said Representacōn declared amongst divers other reasons against any Prohibition of Planting Tobacco in those Colonies, That upon a former petition from the Governor & Councell of Virginia divers proposalls for lessening the quantity of Tobacco offered to the Councell Board and referred to the Com^{rs} of Lords of his Ma^{ties} Privy Councell for Plantacōns, & after serious consideracōn of what was offer'd on behalf of both Colonies concerning a Cessacōn, Limitation or stint of Planting Tobacco in the said Plantacōns was inconvenient both to the Planters & his Ma^{ties} Customes upon their Lop^s Report, whereupon it was ordered (his Ma^{ty} present in Councill) the 25th of November 1664. That there should be no Cessation, stint or limitation imposed on the Planting of Tobacco in those Colony's or Plantacōns. Wherewith the difference concerning the matter between both Colonys were (as he humbly conceived) determined, & th^t in pursuance of that order, he declared his dissent to the foresaid Act in Maryland.

Liber H. H. Octob^r the 22th 1667
p. 288

| | | |
|---|-----------------------|------|
| Was then made up S ^t marys County leauy—uizt | | |
| Cap ^t Luke Gardner for wolfes head | 100 ^t tob: | |
| M ^r Rob: Slye for 4 wolues heads | 400 | |
| M ^r Justinian Gerrard one ditto | 100 | |
| M ^r John Rapier 5 ditto | 500 | |
| Joseph Aluey 1 ditto | 100 | |
| Rob: fford 1 ditto | 100 | |
| Dan: Mackdonnell for Boarding Benjamin | } | 400 |
| Hammond 3 months and one leauy | | |
| Walter Pake for Boarding Marsh Crabb | } | 3000 |
| 2 yeares att 1500 ^t tob: p annum | | |
| Sherriffs Sallary for Collecōn | | 460 |
| | | 5160 |

Tythables in S^t Marys County this p^rsent
yeare is 688 persons at 7½^t tob: p pole is } 5160^t tob:

The Publique Leauy this yeare being 50^t
tob: p pole wth this County leauy makes
the whole leauy for s^t Marys County
fifty seauen pounds and a halfe of tob:
p pole w^{ch} amounts unto in the whole— } 39560—
1 tob:

December the xxijth MDClxxij

Liber H. H.

Comission then issued for the peace for Charles County
(ut est fol 246) the names of the Comissioners in the same
included are (vizt)

| | | | |
|--------------------|----------------|-----------------|---------|
| Henry Adams | } of the Quōru | ffrancis Pope | } Gent. |
| Thomas Mathews | | Zachariah Wade | |
| Col Gerard fflowke | | Joseph Harrison | |
| | | James Lindsey | |
| | | Humphry Warren | |

In the same Comission is Richard Boughton appointed
Clerke and Keeper of the Records in the said County
of Charles County &c.

January 10th 1667 Com^{con} then issued for Major Thomas Ingram
to be sworne of the Quorum into the Com^{con} for
the peace of Kent County and to remaine a Justice of the
peace for the s^d County during his lorps pleasure—

Att a Councell of the Rig^t Hon^{ble} the Lord Proprietary p. 289
of this Prouince held att Mattapenny the 8th day of
February in the 36th yeare of his said lordps Dominion
Ouer this Prouince annoq Domini 1667—

Charles Caluert Esq^r Leiutenn^t Generall & Cheife Gouverno^r
Philip Caluert Esq^r Chancello^r
Jerome White Esq^r Justice—

Was then taken into Consideracōn the speedy raising
of a certaine & considerable number of men to make a
march ags^t the Indian Enemye wth all expedicōn possible

For which end it is Ordered that euery tenth person
in euery respectiue County be raised to goe the present
march—(uizt)

| | | |
|-----------------------------|----|--------------|
| Out of Charles County | 53 | } men 410 |
| S ^t marys County | 69 | |
| Talbott County | 62 | |
| Caluert County | 89 | |
| Ann Arrundell County | 62 | |
| Kent County | 14 | |
| Somerset County | 25 | |
| Baltimore County | 36 | |

Out of which number of men perticuler warr^{ts} issued onely
(Vizt)

To Coll: W^m Euans to raise out of his Company 23 men
To L^t Coll: Iohn Iarboe to raise out of his Company 23
To Daniel Ienifer to raise out of S^t marys Company 23
To Major Tho: Brooke to raise out of Petuxent riuer 49

| | | |
|--------------|--|-------------------|
| Liber H. II. | To ditto to raise of from the Clifts | 40 |
| | To Cap ^t W ^m Boreman to raise out of his Company | 20 |
| | To ditto Boreman to raise out of Cap ^t Oneales Company | 33 |
| | To Cap ^t William Burges to raise out of the | } 62 |
| | Seuerall Companys in Ann Arrundell County | |
| | To Major Tho: Ingram to raise out of Kent County | 14 |
| | | <hr/> 287 persons |

Which said Warr^{ts} issued to the abouesaid seuerall & respectiue Comanders wth seuerall Orders therein incerted as may be seen on the other side fo:

Also other warr^{ts} issued to seuerall Comissarys for the pressing & prouiding prouisions for two months for the said number of men (uizt)

To Rob^t Slye & Thomas Dent to press 28 Barrills of Indian Corne and 4000 weight of meat out of S^t marys County.

To Henry Adams & Thomas Mathews to press 25 Barrills of Indian Corne & 3200 weight of meat out of Charles County—

p. 290 To Major Thomas Brook & Sampson Waring to press 36 barrills of Corne & 5500 weight of meat out of Caluert County—

To Samuell Chew & Cap^t Tho: Stockett to press 25 barrills of Corne and 3800 weight of meat out of Ann Arrundell County—

To John Vicaris & John wright to press 6 barrills of Corne and 840 weight of meat out of Kent County—

It was further Ordered that Baltemore Talbott and Somerset Countys should Press these prouisions following but noe warr^t issued as yett for the execucōn of the s^d Order

Major Goldsmyth & Geo: Vtie to prouide 15 Bar: of Corne & 2200 weight of meat out of Baltemore County—

Stephen Horsey W^m Stephens & Geo: Johnson to prouide 10 barrills of Corne & 1500 weight of meat out of Somerset County

noe persons named Comissary for the prouiding of 25 barrills of Corne and 3800 weight of meate out of Talbott County by reason it should be Ordred upon the Gouverno^{rs} arriual there—

The 2 foregoing warr^{ts} to the Officers for the raising of men and to the Comissarys for prouiding prouisiones is as followeth (uizt)—

Immediately upon sight hereof yo^w are to press three and twenty men out of yo^r owne Company well armed & Clothed that is to say each man wth a well fixt gunn

a sword two pound of powder Six pound of shott & fowre flints and in Case any seru^t or hired person shall be soe pressed by yo^w and not Capable of furnishing himselfe as aforesaid the Mast^r of such person or Seruant is to prouide the same for his said seru^t or hired person, Otherwise to appeare himselfe wth the said Armes and Amunicōn Also yo^w are to cause euery 6th man to prouide & bring wth him One falling Ax, which said three & twenty men yo^w are to haue ready att One houres warning after which yo^w are to apply yo^rselfe to Tho: Dent & Rob^t Sly Comissarys for the raising Prouisions in S^t Marys County and when they shall assure yo^w that two months prouisions (according to a warr^t to them directed) is on board a good slooppe fitt for the transportacōn of your said men then yo^w are to come wth yo^r said men to East S^t Marys being a place of Generall Rendezvous wth three dayes Prouisions in Knappsacks there to attend my further Orders Giuen und^r my hand this 10th day of feeb: 1667

Liber H. H.

To Leut^t Coll: John Jarboe

Charles Caluert

Immediately upon sight hereof yo^w are to raise twenty p. 291
eighthe Barrills of Indian Corne by pressing or Otherwise & 4000^{le} of salted Beefe or Pork being for 2 months prouisions for Sixty Nine men that are to march ags^t the Indians out of yo^r County and the said Prouisions when raised to cause to be brought downe or transported into S^t marys riuier by the 22th Instant there to remaine untill further Order to which end yo^w are likewise to press a slooppe Capable to transport so many men & prouisions to the easterne shore as by seuerall warrants directed to Coll: W^m Euans L^t Coll: Jn^o Jarboe & the Comand^r of S^t marys Company are to be raised to whome yo^w are to giue notice when the said slooppe & prouisions is ready yo^w are likewise to depute such & soe many persons as yo^w think fitt & meett to be your assistants and for soe doing this shall be yo^r warr^t Giuen und^r my hand this 10th day of February 1667—

To M^r Rob^t Slye & Mr Tho Dent
Comissarys for the raising prouisions
in Saint Marys County—

Charles Caluert

Maryland By virtue of some instructions and Orders from the p. 292
Right Hon^{ble} the Lord Proprietary of this Province to Mee his Leiftenānt directed beareing date from Muzill hill the foure and twentieth day of September Anno One thousand six hundred sixty five amongst Other things his said Lordshipp did then Order and declare (vizt) That Whereas Daniel Jenifer Officiates as Clerke in the Provinciall Courts

Liber H. H. and that he is (as his said Lopp was informed) a very fitt person for the place being formerly putt in by Mee
 signed Charles Calvert (as his said Lopp did declare) or
 Charles Calvert by Henry Sewall Esq^r late Secretary of this Province the which Office was accordingly confirmed On the said Jenifer first by the said Secretary and after his decease by my selfe and that before the day of the date above mentioned Upon which sufficient Grounds and reasons his said Lopp did then Order and appoint Mee his said Leiftennt to Confirme the said Office or employment againe On him the said Daniel Jenifer and to passe some Grant or Assurance of the said place to the said Jenifer that he may not be putt Out upon any Change of the Secretary Wherefore I doe hereby Confirme on you the said Daniel Jenifer the said Office and employment and doe from this tyme forward and in pursuance of his said Lopp Order depute constitute Ordaine and appoint you the said Daniel Jenifer Clerke and Keeper of the Records of the said Provinciaall Courts with all priviledges and profitts benefitts and fees whatsoever to the said Office whatsoever belonging or appurteining In confirmation whereof and for your sufficient warrant in Officiateing the said Office I have hereunto sett my hand and lesser seale of the province this tenth day of ffebruary in the foure and thirtieth yeare of his said Lopps Dominion Over this province of Maryland Annoq^r Domⁱ One thousand six hundred sixty and five.

I doe hereby impower and Authorize you Daniel Jenifer Clerke of the Secretaryes Office and the provinciaall Courts to prove all Rights of land that shall be Originally due to any person or persons whatsoever and allowed according to his Lopps Condiçōn of plantations in such cases made and provided also to signe subscribe and seale with the seale of the said Office all warrants for land be they of what nature soever that have just Grounds from the said Conditions for the issueing of the same or upon any other good considerations whatsoever now used and allowed in such cases in the said Office signifieing under all and every such warrant so by you signed to be done by my Order and appointment And I doe also hereby further authorize you and impower you to signe and seale with the seale aforesaid all writts of Arrest subpœna's summons's attachm^{ts} and executions or Other writt or instrument whatsoever that shall tend or have relation to the recovering of any debts impleading of any persons attaching of any goods or levying the same which said writts or instruments and every of them you are to Conclude with my name as Leiftennt Generall and Cheife justice. And I

doe further impower and authorize you hereby to make entry Liber H. H.
of any shipp or lesser Vessell that shall Come into this
Province to trade or Carry tobacco Out of the same except
such shippes or vessells as are not permitted so to doe by the
severall Acts of parliam^t which said shippes or lesser vessells
you are hereby impowered to seize take and secure and upon
seizure so made you are immediately to acquaint and informe
mee thereof And you are further required upon entry made
of any such shipp or vessell to take bond of the severall and
respective Masters with One sufficient security (except he or
they produce certificate from some custome house in England
that bond is there already Given) according to Act of parlia-
ment in such cases provided And upon the request of any
Master of such shipp or vessell to be dispatcht and cleared
away you are hereby impowered to doe the same provided I
be certified of any such shipp's going that sailed from England
before that you doe the same And what port duties or Other
dues you shall receive in Tobacco (or Goods if so Ordered by p. 293
mee) from any the said masters to allow

for every pound of tobacco that the same
shall amount unto. All which you are to doe and performe
untill I shall Give you Order to the contrary And this shall be
your sufficient warrant therein Given under my hand and seale
of the said Office the eighteenth day of february in the six
thirtith yeare of his Lordshipps Dominion Over this Province
of Maryland Annoq^r Domⁱ One thousand six hundred sixty
seven.

Charles Calvert.

I Doe hereby impower yo^r Daniel Ienifer of St Marys gen^t
to proue any rights of land allowed according to his lopps
Condicōns of plantacōn as also to grant warr^{ts} for land thereon
or otherwise Signifying und^r the same to be done by my Ord^r
& Appointment as also to enter & Cleare what Vessells shall
come in or goe out of the Prouince untill my Order to the
Contrary, And for soe doing this shall be yo^r warr^t Giuen
und^r my hand this 18th day of February

Signed By Charles Caluert

[Denization of Abdelo Martin]

Cæcilius Absolute Lord and proprietary of the provinces of
Maryland and Avalon Lord Baron of Baltemore &c To all
persons to whome these p^rsents shall Come greeting in Our
Lord God Everlasting Whereas Abdelo Martin Subject to the
Crowne of Spaine havinge transported himselfe and Children
into this province here to inhabite hath besought us to
Grant him the said Abdelo Martin leave here to inhabite

Liber H. H. and as a free Dennizen freedom Land to him and his heires to purchase Know yee that wee willing to give due incouragement to the Subjects of that Crowne Doe hereby Declare them the said Abdelo Martin and his Children as well those allready borne as those hereafter to be borne to be free Dennizens of this Our province of Maryland And doe further for us Our heires and Successors straightly enjoyne Constitute Ordaine and Command that the said Abdelo Martin in all things held treated reputed and Esteemed as one of the faithfull people of us Our heires and successors borne within this Our said province of Maryland and likewise any Lands tenements Revenues services and Other heriditam^{ts} whatsoever within Our said province of Maryland may inhirite or Otherwise purchase receive take have hold buy and possess and them may Occupie and enjoy Give sell Alien and bequeath as Likewise all Liberties franchises and priviledges of this Our province of Maryland freely quietly and peaceably have and possess Occupie and enjoy as Our faithfull people borne or to be borne within Our said province of Maryland without the lett molestacōn vexacōn trouble or greivance of us Our heires and successors any Custome to the Contrary hereof in any wise notwithstanding—Given at S^t Maries under Our Greate Seale of Our said province of Maryland this Seavententh day of March in the six and thirtieth yeare of Our Dominion Ouer Our said province of Maryland Annoq^r Domⁱ One thousand six hundred sixty seaven: Wittnesse Our Deare sonn Charles Calvert Esq^r Our Leiftenā^t Generall and Cheife Governour of Our said province of Maryland—

1668
p. 294 This Comcōn uoid
and another granted
to Lt Coll J^{no} Jarboe Cæcilius Absolute Lord and proprietary of
the provinces of Maryland and Avalon Lor
Baron of Baltemore &c To all persons to
whom these presents shall come greeting in Our Lord God
everlasting Know yee that Wee reposeing Speciall Confidence
and trust in Walter Hall of the County of S^t Maries in Our
said province of Maryland Gent Have Constituted Ordained
and appointed and by these presents doe Constitute Ordaine
and appoint him the said Walter Hall Sheriff of the said County
of S^t Maries And to have such priviledges and benefitts as any
Other Sheriff within Our said province of Maryland now hath
or any Other Sheriff of the said County ever had held or
enjoyed or of Right Ought to have had held or enjoyed To
have and to hold the said office or imployment for One whole
yeare to be Computed from the day of the date of these presents
And after till another Sheriff by Our Leiftenā^t Generall shall
be lawfully by patent Constituted Provided that he the said
Walter Hall doe take the Oath and give Security for the well

dischargeing his said Office and trust according to the Act of Liber H. H.
assembly in that Case provided Given at S^t Maries under
Our lesser Seale of Our said province of Maryland the first
day of April in the Six and thirtieth yeare of Our Dominion
Over Our said province Annoq Dom̄ One thousand six hundred
sixty eight Wittnesse Our Deare Sonn Charles Calvert Esq^r
Our Leiftenā^t Generall and Cheife Governour of Our said
province of Maryland—

The Oath of the Sheriff of S^t Maries County You shall well
and truly Serve the Lord Proprietary in the Office of a Sheriff
of the County of S^t Maries and doe his Lopps profitt in all
things that belong unto you by way of Office as farr forth as
you can or may: You shall truly and Rightfully treate the
people of your Sherifftwick and doe Right as well to the poore
as to the Rich in all that belongs unto your Office You shall
doe no wrong to any man for any Gift favour hate or Other
affection. You shall duely execute so farr as you may all such
writts and warrants as shall be to you directed by lawfull
authority and thereof you shall make a true returne according
to the tenor thereof

So help you God.:/

These are to will and require you that by the twentieth day of
July next you Cause a list to be taken of all the Tithables
within your County and that in the said list the name and Sur-
name of each tithable person and the house of his abode be
distinctly sett downe and a Coppy thereof fairly written and
sent immediately downe to the Governour and Council and an
Other Coppy of the said list Sett up in the Court house at the
next Provinciaall Court to remaine there for the whole yeare
To the end that if any errors be therein they may be corrected
and the same Certified to the Governour and Council before p. 295
the first day of September next herein faile not as you will
answer the Contrary And for So doing this shall be your
warrant Given under my hand the first day of April in the
xxxvjth yeare of his Lopps Dominion &c Annoq^r Dom̄ One
thousand six hundred sixty eight

To Walter Hall Gent High
Sheriff of the County
of S^t Maries:/—

Idem mutatis mutandis to Benjamin Rozer to be Sheriff for
Charles County dated the said first day of April ut est p Con-
tra to Walter Hall

Idem mut mutand to Major Thomas Brooke for Calvert
County

Liber H. H. Idem mut mutand: to Cap^t Tho: Stockett, for Ann Arrundell County

Idem mut mut to M^r W^m Coursey for Talbott County

Idem mut mut to M^r George Vtye for Baltemore County

Idem mut mut to Major Thomas Ingram for Kent County.

Comiss^o to Cap^t Leiftenn^t Daniel Jenifer dated first of April Anno 1668 ut est in fol 250.

Comiss^o to Leiftenn^t Thomas Paine dated first of April 1668 ut est in fol 250.

Fees due to the Hon^{ble} the Chancellor of Maryland This 15th Day of April 1668—

| | ⁱ | ^s | ^d |
|---|--------------|--------------|--------------|
| For the originall vnd ^r 40 ⁱ value | 00 | 00 | 06 |
| if above 40 ⁱ at the rate of 10 ^s the 100 | | | |
| for the Seale to itt | 00 | 00 | 06 |
| for a Recordari & Seale | 00 | 02 | 00 |
| for a Subp ^o ad respondend ^m with three names | 00 | 02 | 06 |
| eu'y name more then three | 00 | 01 | 00 |
| for an Attachm ^t of Contempt | 00 | 03 | 00 |
| for a p ^l amacōn of Rebellion | 00 | 03 | 06 |
| for a Commission of Rebellion | 02 | 00 | 00 |
| p. 299 for the Seale of the Grant for land | 00 | 10 | 00 |
| not exceeding one hundred acres | | | |
| whether itt be Originall or Confirmacōn | | | |
| only | | | |
| If it exceed one hundred acres one shilling for eu'y hundred exceeding | | | |
| for eu'y Decree in Chancery | 02 | 00 | 00 |
| for an Injuncōn | 02 | 00 | 00 |
| for an Audita Quarela | 01 | 00 | 00 |
| for a writt of Covenant for passing | 00 | 02 | 06 |
| a fine | | | |
| for a Commission to take the acknowledgm ^t | 01 | 00 | 00 |
| for every writt of Assize | 00 | 02 | 06 |
| The Chancello ^s hand to itt | 01 | 00 | 00 |
| for eu'y writt of Error | 01 | 00 | 00 |
| for a Certioarij | 01 | 00 | 00 |
| for a Speciall Supplicavitt | 01 | 00 | 00 |
| for an Exemplicacōn of a Grant as much as for the grant | | | |
| for the Chancellors hand to a writt of | 01 | 00 | 00 |
| Covenant | | | |

| | | | | | |
|--|---|----|----|----|-------------|
| for a Commission to find Offices vpon a melius inquirendum or monstrau'runt | } | 01 | 00 | 00 | Liber H. H. |
| for a Super Sedes to a Comission of Rebellion or Supplicavitt | } | 01 | 00 | 00 | |
| for Sealing a patent to a sherriff for his Office | } | 02 | 00 | 00 | |
| for a Patent of Denizacōn | | 02 | 00 | 00 | |
| for a ne exit Regnū | | 01 | 00 | 00 | |

Published by Order from the R^t Honor^{ble} the
lord Proprietary of this Province to mee directed—
Charles Calvert

Articles of Peace & Amity Concluded & agreed vpon
betweene the R^t hono^{ble} Cæcilius absolute lord &
Proprietary of the provinces of Maryland and Avalon lord
Baron of Baltemore & Vnnacokasimmon Emperor of
Nantecoke the first Day of May One thowsand sixe
hundred sixty and Eight—

Imprimis Itt is agreed vpon that, that from this Day forward p. 296
there be an Inuioable peace & Amity Between the
R^t Hono^{ble} the lord Proprietary of this province and the
Emperor of Nantecoke vpon the Articles hereafter in this
Treaty to be agreed vpon to the worlds end to Endure &
that all former Acts of Hostility & Damages whatsoeu^r by
either party susteyned be buried in perpetuall Oblivion

2^d That the said Emperor of Nanticoake shall deliu^r up
the whole nacōn of Wiccomisses and all those Indians that
protected the Murderers of Cap^t Odberr that lived at Sicacone
Towne to the hono^{ble} the Governour of this Province And
further that if any Indian Subject to the said Emperour shall
hereafter chance to Kill an English man that the s^d Empero^r
shalbe Obliged to deliu^r such Indian vp to the Governour of
this Province as a prisoner.

3^d Forasmuch as the English cannot easily distingish one
Indian from a Nother that noe Indian shall come into any
English plantacōn paynted & that all the Indians shall be
bound to call aloud before they come within Three hundred
paces of any English manns cleere Ground and lay downe
their Armes whether Gunn Bowes or Arrowes or other weapon
for any English man th^t shall appeare vpon his call to take vpp
& in case noe one appeare that he shall there leave his said
Armes if he come neerer & that after wards by calling aloud
endeavour to give notice to the English of his neerer Approach
And if any English mann shall Kill any Indian that shall
come vnainted & give such notice & Deliu^r vp his Armes as
aforesd he shall dye for itt as well as an Indian that kills an p. 297

Liber H. H. English & in case the English & Indians meete in the woods accidentally every Indian shall be bound immediately to throw downe his Armes vpon call & in case any Indian soe meeting an English man shall refuse to throw downe his armes vpon call he shall be deemed as an Enemy

4^{ly} The Priveledge of Hunting crabbing and fowling and fishing shall be preserved to the Indians Inviolably

5^{ly} That every Indian that Killeth or stealeth a hogg calfe or other Beast or any other goods shall vnder goe the same punishm^t that an English man doth for the same Offence

6^{ly} In case any serv^{ts} or Slaves runn a way from their Masters & come to any of the Indian Townes within the Territories of Vnnacokasimmon and his Subjects they shall be bound to apprehend the said ffugitives and bring them to the next English plantacōn to be Conveyed to their Masters and in case any Indian aforesaid shall convey or assist any such ffugitives in their flight out of this province that he shall make their respective Master or Misteris of such servants or Slaves such satisfaccōn as an English man ought to doe in the like case

7^{ly} That the said Empero^r shall not make any new Peace with our Enemyes nor shall make any warr with out the consent of the Right Hon^{ble} the Lord Proprietary or his chiefe Governour for the tyme being.

p. 298 8^{thly} In case the said Vnnakasimmon or any Indian Subject to him shall Kill a Babco or any of his Indians or any other in Peace and Amety wth the said lord Proprietary shall be Esteemed as great an Offence as Killing of an Englishman:

The marke of

+

[seale]

Vnnacokasimmon

Signed

In Presence of Philip Calvert

p. 295 May the 4th

Com^{tes} then issued from the Rig^t Hon^{ble} Charles Caluert Esq^r Leiutenn^t Generall of this Prouince and directed to the Comm^{rs} for the County of Ann Arrundell to sweare into the Com^{tes} for Justices of peace for the said County, these persons following (vizt) Thomas Marsh John Ewen Rob^t ffirancklin and John Welch, and that Samuell Chew and George Puddington be added to the Quorum wth Rob^t Burle already constituted thereof in the Originall Com^{tes}—

p. 298 June the 3th 1668

Com^{tes} then issued to John Vicaris Cap^t of all the forces of Kent County I^{des} mutatis mutandis p^r ut so.

Com^{con} issued to the Comm^{rs} of Kent County to sweare into Liber H. H.
theire Com^{con} John Vicaris gent: and to be admitted of the
Quorum dated ut supra—

Maryland ss. The declaracōn of the leivtenn^t Generall & Coun- p. 300
cell concerning the appointing of certeyne places for
the vnladeing & selling of all goods and m'chandizes
brought into this pvince sett forth by Speciall comand
from the R^t hon^{ble} the lord Proprietary of this Pro-
vince./.

Whereas I have received express instruccōns & direccōns
from the R^t hon^{ble} Cæcilius lord Baltimore Absolute lord &
Proprietary of this Province of Maryland To make Erect &
constitute wthin this Province such & soe many Sea Ports,
Harbours, Creekes & other places for discharge & vnladeing
of goods & m'chandizes out of shippes, boates and other Vessells
in such and soe many places & with such rights Jurisdictiōns
libtys & privildges vnto the said Ports belonging as some
shall seeme most expedient And that all & singuler the shippes
boates and other vessells which shall come for m'chandize and
trade vnto the said province or out of the same shall depte
shall be vnladen only at such ports & places as shalbe soe erected
& constituted according to the power and authority to him the
s^d Lord Prop^{ry} by lres pat^{ts} of his Royall Ma^{tie} King Charles
the first of England &c granted I haveing with the advice
of his lo^{ps} Councell taken into serious consideracōn the said
Instruccōns & direccōns soe to me sent as aforesaid & well
weighing and considering which may be fitt and convenient
places wthin the s^d province for the same Doe Ordaine erect
and constitute theis places here after menconed to be for Sea
Ports Harbours creekes & places for the discharging and
vnlading of goods and merchandizes out of shippes & boates
and other vessells And th^t noe shippes boates or other vessells
shall discharge or vnlade any goods and m'chandizes in any
other place or places wthin this pvince whatsoeu^r vnder the
paines and penalties hereafter in this Declaracon mencōned &
expressed That is to say at East s^t Mary's in S^t Maries
County Att Brickhill point in Mattapany Man^r & at Hollowing
point in Calvert Manno^r in Patux^t riu^r in Calvert County Att
Charles Towne in his lo^{ps} fforrest nigh Humphry Warrens
plantacon in Wiccocomoco riu^r & at the land lately purchased p. 301
by John England & Benjamin Rozer nigh Edmund lindseys
att Portobacco in Charles County Att Richard Actons land
in Arrundell County Att Pooles Island in Baltimore County
Att Chester point in Chester riu^r and at Cap^t Robert Morrisces
land in Tredaven creeke in Talbott County Att Morgans
plantacon in Morgans creeke in Kent County Att Deepe

Liber H. H. point att Randall Revells in Somersett County And I wth the advice of the said Councell Doe hereby further Ordaine & Declare That noe Masters of shippes boates & other vessells w^{soeu} coming hither for m^cchandizing or trade & all other m^ch^{ts} or other p^{sons} w^{soeu} th^t shall bring in to this p^{vince} any goods or m^cchandizes w^{soeu} to sell Barter for or trade with any the inhabit^{ts} within this p^{vince} shall from & after the twentyeth day of Aug^t next Discharge or vnlade any goods or m^cchandices w^{soeu} or th^m sell or expose to sale at any other port Harbo^r creeke or att any other place or places wthin this p^{vince} Save only at the s^d seu^{all} & respectiue place or places above in this Ordinance & Declaracon menconed & expressed vpon the penalty of suffering one whole yeares Imprison^t without bayle or Maynprize any law vsage or custome to the contrary notwithstanding & if any M^r of shippes boates or other vessells m^ch^t or other p^{son} or p^{sons} w^{soeu} shall sell to any Inhabit^t of this p^{vince} any goods or m^cchandizes w^{soeu} otherwise then in this Ordinance or Declaracōn is expressed th^t the inhabitant or inhabi^{nts} soe buying the same may at his or their Elleccōn refuse or Deny paym^t for the same & the p^{tye} so selling the same shall not have ag^t the buyer any accōn of Debt Acco^t Trespas. vpon the case or any other accōn w^{soever} in any of his lo^{ps} Court w^{soeu} wthin this p^{vince} but shalbe uttly bard therefrom And all and every other person and persons whatsoever are hereby strictly required and commanded to Yeild their due Obedience vnto this Ordinance Edict and Declaracōn as they will avoyd the paines herein expressed menconed and Declared Given vnder the Greate Seale of the said Province of Maryland this fifth day of June in the six and thirtieth yeare of the Dominion of Cee cilius &c over the said Province annoq domini One thousand six hundred sixty Eight
Charles Calvert

p. 302 Charles Calvert esq^r Cap^t gen^l of all the forces wthin this province of Maryland vnd^r the R^t hon: Caecilius Lord Baltemore absolute Lord & Prop^{ry} thereof To Leiv^t Pet. Bawcombe greeting According to the power to me by his said lo^{ty} Comitted & vpon the Speciall trust & confidence I have in your fidelity circumpeccōn courage & good conduct I doe hereby constitute ordayne & appoint you leivtenn^t vnder Capt Rich. Lee of all the forces that at p^{nt} are vnd^r his comand or w^{ch} hereafter shalbe raised or listed vnder his comand to march in any expedicōn at p^{nt} intended in Talbott County or w^{ch} hereafter shalbe intended ag^t any Indians th^t are or shalbe declared held knowne or reputed enemies to the inhabi^{nts} of this p^{vince} w^{ch} forces aboue mencōned you are hereby required to Muster exercise & traine vp in the art of Warr & in Military Discipline

& in all things to doe as any leivtenn^t of a company of foot may or of right ought to doe to the resistance & distruc^on of all enemies suppression of all mutinyes insolencyes insurecons & rebellions w^{soe}u^r according to such Orders direccoⁿs or instruccons as you shall from time to tyme receive from me or by any other superior officer by me appointed & to th^t end to list such & soe many of the inhab^{ts} of the s^d County of Talbott as alsoe all other p^{so}ns th^t shalbe pressed or come in vnder yours or your s^d Cap^{tns} Com^{and} to March in the expedicoⁿ afores^d as yo^u shall thinke fitt & necess^{ry} & th^m soe listed when & as often as you shall thinke convenient to Must. & traine soe th^t they may be in a redines as occasion shall require to attend my further com^{ds} wth fitting arms & amm^{con} for the intent & purpose afores^d To have & to hold the s^d office & com^{and} till the lord pp^{ty} his leiv^t or Cap^t gen^l for the time being shall signify his or their pleaseure to the contrary & all p^{so}ns w^{soe}u^r are hereby strictly charged & commanded to Yeild all due Obedience to yo^u the s^d Leivtenn^t Pet. Bancombe in all things app^{te}yning to the comand and Office hereby conferred on yo^u as they will answere the contrary att their pills. Givn vnder my hand & lesser seale of this Province this Nine & twentyeth day of July in the seven and thirtyeth yeare of our Dominion over our said Province of Maryland annoq. Domini One Thowsand six hundred sixty eight—

Com^{con} issued to Geo: Johnson for sherriffe of Somersett p. 303
County for one whole yeare dated the

Warr^t also issued for the said Johnson to returne
a list of the Tythables in the abouesaid County by
the 20th of August next

August the xixth MDClxviii

Comission for the peace in the County of St Maries by Ord^r
from the R^t Hon^{ble} the Leiften^{ant} Gen^{ll} issued authorizeing.

| | | |
|----------------------------|---|---|
| M ^r Robert Slye | } | Gent of the Quorum |
| Thomas Dent | | |
| Luke Gardner | | |
| W ^m Bretton | } | Gent Comissioners w th addic ^o n of M ^r William Rosewell— |
| Nicholas Young | | |
| Richard Loyd | | |
| James Martin | | |
| John Warren | | |

Walter Hall Clerke. ut est fol 246./—

Att a Cuncell held att Mattapenny the first of Sep^r 1668

| | | | | | |
|--------|--|---|----------------|---|-------------------------------|
| Prsent | Charles Caluert Esqr Gouvernor | } | Jerome White | } | Esq ^{rs} Councillors |
| | Philip Caluert Esqr Chancello ^r | | Baker Brook | | |
| | | | Coll: Wm Luans | | |

Liber H. H. Vpon request made by John Nuthall Thomas Sprigg & Nic^e Young the Adm^{rs} of John Nuthall late of the Cross manno^r gen^t dec^d was taken into Consideracōn the distributing of Estate Personall of the said dec^d

Ordred that the same be diuided equally amongst the three Children (uizt) John James and Elioner Nuthall now wife to the aforesaid Thomas Sprigg, and that Security be giuen by each p^rson that what debts or Claimes soeuer shall be Justly made by any person out and from the said Estate hereafter shall be satisfied out of each persons part or porcōn soe allotted them—

Further Ordered that on munday next the said p^rsonall Estate be gott and brought together that a ueiw may be made thereof and equally diuided as aforesaid—

The Councell hauing likewise taken into their Consideracōns what shall be done wth the souldiers now remaining in Armes

Vpon which is Ordred that they be forthwth disbanded and withdrawne—

The Councell doth now proceed to the making up of the publich Leauy for this p^rsent yeare of 1669

P. 304

Att a Councell held att the City of S^t Marys
The 15th day of Decemb^r 1668—

Prsent Charles Caluert Esq^r Gouvern^r } Jerome White } Esq^r Councellers
Philip Caluert Esq^r Chancellor } Coll: Wm: Evans }

Was then taken into Consideracōn the Confirming of such lands as was allotted the Pascattaway Annacostanek Doags Mikikiwoman Manasquesend Mattawomans Chingwateick Nanjemauk Portobacco Sacayo Pangayo and Chaptico Indians upon the peace Continued & concluded on between the English and them att the last Assembly held in Aprill one Thowsand Six hundred Sixty Six.

Wherefore it is Ordered that all persons be prohibited & forbiden hereby from Seating upon or taking up of any land that doth lye between the head of Mattawoman Creek and the head of Pascattaway Creek untill such part or porcōn of land out of the Same be allotted or laid out either by Naturall bounds or Otherwise. for the aforesaid Indians wthin which bounds the said seuerall Nacōns of Indians (provided it stands with their liking) are to retreat and draw theither with their wiues and families Otherwise if the S^d Indians doe not like and approue of the said place for their abode and residence then such porcōn of land on part whereof the said Indians was resident att the Concluding of the aforesaid peace is to be sett forth and Confirmed unto them in such a quantity as shall bee thought sufficient and requisite for their whole number of persons—

And to the end that the meets and bounds of such lands as shall be soe concluded on may be the better knowne between party and party Liber H. H.

It is Ordered that Jerome White Esq^r Suruey^r Generall of this Prouince bee in person Sometime in January next att the said place and there to declare & acquaint the said Indians of the Councells result herein and to take wth him Cap^t William Boreman and M^r Henry Adams for his Assistance in the laying out the meets and bounds of the said land and to make a Certificate of the full quantity thereof and the same to returne within Conuenient time to the Right Hon^{ble} the Leiutenn^t Generall—

It is likewise thought Conuenient and soe Ordered that there be a trade maintain'd and held by the English wth the Easterne Shore Indians p. 355

Vpon the pet^{it} of Charles Delaroch Robert Waterson Andrew Murrow and Henry Kircouen late souldiers in the last Expeditiō ag^t the Indians that they be Ordered theire pay in the next pub^l leuy Further Ordered that it be Certifyed und^r the Councells hands unto the Troopers in Generall that were out in the aforesaid Expeditiō that they haue theire pay likewise in the next publicque leauy and that Cap^t Philemon Loyd doe Certify in a list ag^t that time the names of such troopers as were und^r his or any other persons Comānd in the said Warr—

Further Ordered that what persons soeuer That shall build any howsing on any the lands Ordained for townes wth in this prouince shall haue tweiue times the quantity of land allotted to him or them that euery such howse shall stand upon and that Smootes Creek in Charles County shall be one of the places nominated & appointed for a Towne and that some other place to bee pitched upon by Jerome White Esq^r The Suruey^r Generall shall be ordained for another towne in Portobacco in the said County and that the said suruey^r Generall doe Certify what place is soe pitched upon by him to the Justices att the next Prouin^{ce} Court that the same may bee inserted in a more p^rfect Proclamaciō then to issue for the Nominating of all the laws appointed wth in the Province for the building & erecting of townes within each County there being some other places nomⁱted since the last Proclamaciō issued att the last Prouin^{ce} Court.

[Denization of Hendrick Johnson.]

By Order from the Hon^{ble} Charles Calvert Esq^r the after Written patent of Dennizaciō was Granted to Hendrick Johnson p. 358

Liber H. H.

P. 309

Caecilius Absolute Lord and proprietary of the provinces of Maryland and Avalon Lord Baron of Baltemore &c. To all persons to whom these p'sents shall Come Greeting in Our Lord God everlasting Whereas Hendrick Johnson Late of Amsterdam belonging to the States of Holland and Subject of the Nation aforesaid having for some time resided wthin this Our province of Maryland hath besought us to Grant him the said Hendrick Johnson leave here to Inhabite and as a ffree Dennizen ffreedome Land to him and his heires to purchase Know Yee that Wee Willing to Give Due Incuragment to the Subjects of that Nation Doe hereby Declare him the said Hendrick Johnson to be a ffree Dennizen of this Our province of Maryland and Doe further for us Our heires and successors straightly enjoyne Constitute Ordeyne and Comand that the said Hendrick Johnson be in all things held treated reputed and Esteemed as One of the faithfull people of us Our heires and Successors borne wthin this Our province of Maryland And Likewise any Lands Tenem^{ts} Revenues Services & Other heredita^{mts} whatsoever within Our said province of maryland may Inherite Or Otherwise purchase receive take haue hold Buy and possesse & th^m may Occupy and enjoy Give sell Alien and bequeath as Likewise all Liberties ffranchizes & privildiges of this Our province of maryland freely quietly and peaceably haue and possesse Occupy and enjoy as Our faithfull people borne Or to be borne wthin Our said province of maryland wthout the Lett molestacōn vexacōn trouble Or Greivance of us Our heires and successo^{rs} any Custome to the Contrary hereof in any wise Notwthstanding Given att St Maries under the Greate Seale of Our said province of maryland this six and twentieth day of ffebruary in the xxxvijth yeare of Our Dominion Over Our said province Annoq^r Dom One thousand six hundred sixty eight—Wittnes Our Deare Sonn Charles Calvert Esq^r Our Leiftenn^t Generall and Cheiff Governour of Our said province of maryland

P. 310

[Denization of Peter Mills.]

Cæcilius &c To all persons to whom these p'sents shall Come Greeting in Our Lord God everlasting Whereas Peter Mills Late of Belonging to the States of holland and Subject of the Nation aforesaid haveing transported himselfe and Children into this province here to Inhabite hath besought us to Grant him the said Peter Mills Leave here to Inhabite and as a free Dennizen freedome Land to him and his heires to purchase Know yee that Wee Willing to Give due incuragment to the Subjects of that Nation Doe hereby declare them the Said Peter Mills and his Children as well those already borne as those hereafter to be borne to be free Dennizens of

this Our province of maryland And Doe further for us Our Liber H. H.
 heires and successors straightly enjoyne Constitute Ordaine
 and Comand that the said Peter Mills in all things be held
 treated reputed & Esteemed as One of the faithfull people of
 Us Our heires & Successors borne wthin this Our said province
 of Maryland & Likewise any Lands tennem^{ts} Revenues Services
 & Other heriditaments whatsoever wthin Our said province of
 Maryland may Inhirite Or Other wise purchase receive take
 haue hold buy and possess & them may Occupy and enjoy
 Give sell Alien & bequeath as likewise all Liberties ffranchises
 & priviledges of this Our province of Maryland ffreely quietly
 and peaceably haue and possess Occupy and enjoy as Our
 ffaithfull people borne Or to be borne wthin Our said province
 of maryland wthout the Lett Mollestacōn vexacōn trouble Or
 greivance of us Our heires & Successors any Custome to the
 Contrary hereof in any wise Notwthstanding Given att Our
 City of S^t Maries vnder Our Greate Seale of Our said province
 of Maryland this three and twentieth day of March in the
 xxxvijth yeare of Our Dominion Over Our said province
 Annoq^r Dom̄ MDClxviiij Wittnes Charles Calvert Esq^r Our
 Leiftenn^t Generall and Cheife Governo^r of Our said province
 of maryland

April 16th New Com̄ission then issued for the peace in the p. 311
 County of Kent sicut est in fol 246 for the County of
 Ann Arrundell the Comissioners for that County and in the
 said Com^{cōn} enclosed are as follow vizt
 Robert Dunn } of the Quorum
 John Vicaris }
 Mathew Read, Morgan Williams, Richard Blunt Thomas
 Osborne William Head John Wright & William Bishop
 Justices.— Disborough Bennett Clerke—

April 16th Comiss^o to Major Thomas Ingram to be sheriff of
 the County of Kent sicut est folio 279.—

[Denization of William Ticke.]

Cæcilius &c—To all persons to whom these p^rsents shall
 Come Greeting in Our Lord God Everlasting Whereas W^m
 Ticke Late of Amsterdam Belonging to the states of Holland
 & subject of the nation aforesaid haueing transported himselfe
 into this province here to Inhabite hath besought us to Grant
 him the said W^m Ticke Leave here to Inhabite and as a free
 Denizen freedom Land to him & his heires to purchase Know
 yee that Wee Willing to give due Incuragem^t to the subjects
 of th^e nation doe hereby declare him the said W^m Ticke to be a
 free denizen of this Our province of maryland & doe further

Liber H. H. for us Our heires & suckcessors Straightly enjoyne Constitute Ordaine & Comānd that the said petter Mills in all things be held treated reputed & esteemed as One of the faithfull people of us Our heires & successors borne wthin this Our said pvince of maryland & Likewise any Lands tenem^s Revenues services & Other heriditam^s whatsoever wthin Our said province of maryland may Inherite Or Otherwise purchase receive take haue hold buy & possesse & them may Occupy and enjoy Give sell Alien & bequeath as Likewise all Liberties ffranchises & priviledges of this Our province of maryland ffreely quietly & peaceably haue & possesse Occupy & enjoy as Our ffaithfull people borne Or to be borne wth Our said province of maryland wthout the Lett mollestacōn vexacōn Or Grevance of us Our heires & successors any Custome to the Contrary hereof in any wise notwthstanding. Given att Our Citty of St^s maries under Our Great seale of ur said province of maryland this Nintenth day of April in the xxxvijth yearē of Our Dominion Over Our said province Annoq dom̄ MDClxix Wittnes Charles Calvert Esq^r Our Leiftenn^t Generall and Cheife Governour of Our said province of maryland—

p. 312 Cæcilius &c To all persons to whom these presents shall Come Geeting in Our Lord god everlasting Know Yee that Wee reposeing much trust & Confidence in the Care dilligence & integrity of John Allen & Willing to Comply wth him in his request & desire doe hereby Give & Grant to him the said John Allen Liberty Lycence & Com^{con} to trade wth any the Inhabitants of this province for any Beavers furrss Skins Or any Other Comodities whatsoever & to that end it shall be hereby Lawfull for him the said John Allen to passe upon or through any River Or Creeke or Other passage thorough any part of this province to trade for any such Comodities wth any Indian Or Indians wthout this province & to export the same from time to time as he the said John Allen shall think fitt Or Convenient Provided that if he the said John Allen shall Buy Or trade for any Corne from any such Indian Or Indians as aforesaid he doe not export the same Out of this province wthout Lycence first had and Obtained from Our Leiftenn^t Or Cheife Governour of this province Provided also that the said John Allen pay to the Lord proprietary Or his heires the tenth part in weight Or value of all Comodities whatsoever so traded for either by himselfe Or any person intrusted by him and fullfill all such Condicōns as are expressed in that Act Concerning trade wth the Indians And doe hereby Authorize & Impow^r him the said John Allen to take seize Or Surprize the person Or persons Boates Vessells Or truck of any tradeing in any part of this province wthout Lycence of us Or Our heires Or Our

Or their Leiftenn^t Or Cheife Governour for the time being Liber H. H.
And Wee Doe hereby Will & require him the said John Allen
in Custody safely to Keepe the persons boates vessells Or
Other truck of any person taken so tradeing wthout Lycence
vntill they shall be brought to a Legall tryall before Our Leif-
tenn^t Or Cheife Governour of this province for the time being
provided that this Lycence vnto the said John Allen for trade-
ing wth the Indians shall not be in force but vntill the full end
and terme of two yeares next ensueing the date hereof Given
vnder the Great Seale of Our said province of maryland this
3^d day of may in the xxxvijth yeare of Our Dominion Over
Our said province Annoq^r domⁱ MDClxix Wittnes Charles
Calvert Esq^r Our Leiftenn^t Generall & Cheife Governour of
Our said Province of Maryland—

The oathe of the Leiuettennant or Cheife Governor
of the Province of Maryland.

P. 313

I A. B: Doe sweare that I will be true and faythfull to the
Right hono^{ble} Cæcilius Lord Barron of Baltemore the true and
absolute Lord and Proprietary of this Province of Maryland
and his heires, and him and them, and his and their Rights
Royall Jurisdiccōns and Signiories, all and every of them, in
to and over the said Province and llands therevnto belonging
will at all tymes defend and mayntayne to the vtmost of my
power And will never accept nor Execute, any place office or
Employment within the said Province any way concerning or
relateing to the Governm^t of the said Province from any person
or authority but by from or vnder a Lawfull authority derived
or to be derived from tyme to tyme vnder the hand and Seale
at Armes of his said Lo^p or his heires or Assigns, Lords and
Proprietors of the said Province, I will faythfully serve his said
Lo^p as his Leivetennant of the said Province and in all other
Offices Comitted to my Charge by his said Lo^{ps} Com^{on} or
Comissions to me, And will willingly yeild vp the said Com^{on}
and Comissions againe, and all Offices powers and authorities
Granted or to be granted by them or any of them into the
hands of his said Lo^p and his heires and assigns or to such
person or persons as he or they shall appoynte whensoever he
or they shall appoynte me soe to doe, and shall Signifie the
same vnto me in any wryting vnder his or their hand and Seale
at Armes And will not presume to putt in Execucōn or attempt
to execute any office power or authority Granted vnto me by
any of the said Commission or Com^{ons} after that his said Lo^p
or his heires or assigns Lords and Proprietarys of the said
Province shall repeale them or any of them respectively by
any wryting vnder his or their respective hand and Seale at
Armes and that the said Repeale be published within this

Liber H. H. Province, I will doe Equall Right and Justice, to the poore and to the Rich wthin this Province to my best skill Judgem^t and power, according to the Lawes and Ordinances of the said Province and in defaulte thereof according to my conscience and best discrecō and the power granted or to be Granted to me by his said Lo^{ps} Com^{on} or Com^{ons} I will not for feare favor or affeccō or any other cause Lett hinder or delay Justice to any but shall truly Execute the said office and offices respectively according to his said Lo^{ps} Com^{on} to me in that behalfe and to the true intent and meaneing thereof and not otherwise to the best of my Vnderstanding and Judgem^t I will not knowe of any attempt against his said Lo^{ps} person or his Right or Dominion in to or over the said Province and the people therein, but I will prevent resist and oppose it to the vtmost of my power and make the same knowne with all Convenient speed to his said Lo^p And I will in all thinges from tyme to tyme as occasion shall require faythfully Councell and advise his said Lo^p according to my harte and Conscience, And I Doe further Sweare that I will not by my selfe nor any other person Directly nor indirectly trouble molest or discountenance any person whatsoever in the said Province professing to beleive in Jesus Christ for or in respect of his or her Religion nor in his or her free exercise thereof within the said Province Soe as they be not vnfaythfull to his said Lo^p or molest or conspire against the Civill Governm^t Established here vnder him Nor will I make any difference of persons in Conferring Offices Rewards or favo^{rs} proceeding from the authority which his said Lo^p hath Conferred vpon me as his Leivetennant here for or in respect of their said Religion respectively But meerely as I shall finde them faythfull and well deserving of his said Lo^p And to the best of my vnderstanding endowed wth morrall vertues and abillities fitting for such offices rewards and favors wherein my prime Ayme and End from tyme to tyme shall sincerely be the Advancem^t of his said Lo^{ps} Service here the Publique vnity and Good of the Province wthout partiallity to any or any other Sinister End whatsoever And if any other officer or person whatsoever shall during the tyme of my being his Lo^{ps} Leivetennant here without my Consent or privity molest or Disturbe any person within this Province professing to beleive in Jesus Christ meerely for or in respect of his or her Religion or the free Exercise thereof vpon notice or Complaynt thereof made vnto me I will apply my power and authority to releive and protect any person soe molested or troubled whereby he may have right done him for any Damage which he shall Suffer in that kind, And to the Vtmost of my power will cause all and every such person or persons as shall molest or trouble any other person or persons in that Manner to be punished:

Soe helpe me God &c.

The Oathe of the Chancellor or Keeper of the
Greate Seale of the Province of Maryland.

Liber H. H.
P. 315

I A: B: Doe Sweare that I will faythfully Serve the Right hono^{re} Cæcilius Lord Barron of Baltimore the true and absolute Lord and Proprietary of the Province of Maryland and his heires, as his Channcellor and Keeper of his Greate Seale of this Province Comitted to my Charge and Custody by his said Lo^{re} Com^{re} to me to the best of my Skill and understanding I will cause the Impression in Way of the said Seale to be affixed to all such thinges as I haue or shall from tyme to tyme receive Comission or Warrant for soe doeing from his said Lo^{re} vnder his hand and Seale at Armes And th^{at} itt shall not be affixed to any other wryting or thing whatsoever directly or indirectly with my privity Consent or knowledge I will doe my best Endeavor carefully to preserve the said Greate Seale in my Custody Soe long as it shall please his said Lordship to Continue me in the Charge and keepinge thereof to the End that it may not be lost Stollen or vnlawfully taken from me And whereby any other person may affixe the Impression thereof vnto any Wryting or thing whatsoever, without authority for soe doeing Lawfully derived or to be derived from by or vnder a Commission or Warrant vnder his said Lo^{re} hand and Seale at Armes And that I will truly and faythfully deliver vp againe the said Greate Seale into the hands of such person or persons as his said Lo^{re} or his heires shall appoynte when his or their pleasures for that purpose shall be signified vnto me vnder his or their hand and Seale at Armes

Soe helpe me God &c:

The Oathe of a Councillor of State in
the Province of Maryland:

I A. B. Doe sweare that I will be true and faythfull to the Right hono^{re} Cæcilius Lord Barron of Baltimore the true and absolute Lord and Proprietary of this Province of Maryland and his heires and him and them and his and their Rights Royall Jurisdictions and Seigniorie all and every of them into and over the said Province and lands therevnto belonging will att all tymes Defend and mayntayne to the vtmost of my power And will never accept off nor Execute any place office or Imployment within the said Province any way concerning or Relateing to the Government of the said Province from any person or authority but by from or vnder a lawfull authority derived or to be Derived from tyme to tyme from his said Lo^{re} or his heires Lords and Proprietarys of the said Province vnder his or their hand and Seale at Armes. The peace and

Liber H. H. Welfare of the People of this Province I will ever procure as farr as I can I will ayde and assist the Administring and Execucōn of Justice in all thinges to my power, To none will I Deney Right for feare favor or affeccōn I will to my best skill and according to my harte and Conscience Give Good and faythfull Councell to the said Lord and Proprietary and his heires and to his or their Leivetennant or Cheife Governo^r of this Province for the tyme being when therevnto I shall be called I will keepe Secrett all matters Comitted or Revealed vnto me or which shall be moved or debated Secretly in Councell and faythfully declare my minde and opinion there in according to my harte and Conscience and if any of the said treatys or Councells shall touch any of the privy Councillors of this Province I will not reveale the same vnto him Soe touched or Concerned but will keepe the same Secrett vntill such tyme as by the Consent of the Lord Proprietary or his Leivetennant or Cheife Governor here for the tyme being publicacōn shall be made thereof I will alsoe as a Councillor and as a Justice and Commission^r for Conservacōn of the Peace of this Province Doe equall Right vnto the poore and to the rich to the best of my Vnderstanding and Judgement according to the Lawes from tyme to tyme in force within this Province and in defaulte thereof according to my best discrecōn and Generally in all thinges will Doe as a faythfull Councillor to the said Lord Proprietary And I Doe further sweare that I will not by my selfe nor any other person directly nor indirectly trouble molest or Discountenance any person whatsoever in the said Province professing to beleive in Jesus Christ for or in respect
p. 317 of his or her Religion nor in his or her free Exercise thereof within the said Province Soe as they be not vnfaythfull to his said Lop nor molest or Conspire against the Civill Governm^t established here vnder him Soe helpe me God &c:

The Oathe of the Lord Proprietarys
Secretary in Maryland.

I A. B. Doe sweare that I will be true and faythfull to the Right hono^{ble} Cæcilius Lord Barron of Baltemore the true and absolute Lord and Proprietary of this Province of Maryland and his heires and him and them and his and their Rights Royall Jurisdictiōns Seigniory all and every of them in and to and over the said Province and Ilands therevnto belonging will at all tymes defend and mayntayne to the vtmost of my power and will never accept of nor Execute any place office or Employ^mt within the said Province any way Concerning or relating to the Governm^t of the said Province from any person or authority but by from or vnder a lawfull Authority derived or to be derived from tyme to tyme from his said Lo^p or his

heires Lords and Proprietarys of this Province vnder his or their hand and Seale at Armes, I will Serve him faythfully as his Secretary in the said Province to none will I wittingly or willingly Delay or deny Right in what belongeth to my office or offices to doe True Record I will keepe of Judgem^{ts} and all other matters to be by me Recorded without faulseficacōn or Corrupcōn for feare favor, or malice of any person whatsoever to the best of my abillity and vnderstanding Soe helpe me God &c:

Liber H. H.

List of Lands Surveyed and entred in the Office
of Virginia and Pattented that now fall in Maryland

Liber A. M.
P. 15

| | Acres | |
|---|-------|--------------------------------|
| Robert Haiston | 500 | } these have their Pattents |
| John Williams | 400 | |
| James Hinderson | | |
| Thomas Davis | | |
| John Davis | | |
| Pte of Edmond Scarburgh | 3000 | Pattented |
| Pte of Cap ^t Bowman & M ^r Littleton | 3000 | Past the Office |
| Pte of L ^t Col ^o Waters & M ^r Robins | 4000 | Past the Office |
| Thomas Purnell | 550 | Past the Office |
| Edward Smaller | 500 | Pattented |
| Daniel Selby | 600 | Pattented |
| John Pike | 400 | Pattented |
| Robinsons Children } | 1050 | Past the Office |
| Thomas & Richard } | | |
| John Paramore | 1500 | Pattented |
| Robert Johnson | 600 | Pattented |
| Stephen Barnes | 600 | Pattented |
| William Buttingham | 700 | Past the Office |
| Thomas Smith | 400 | Past |
| Henry Bishop | 2300 | Past |
| Thomas Selby | 1250 | Past |
| Alexander Williams | 600 | Past |
| Robert Richardson | 2000 | Past |
| Edward Smith | 700 | Past |
| Richard Smith | 200 | Past |
| Pte of Francis Benstons } | 3000 | to produce |
| formerly John Wallops } | | |
| Edmond Scarburgh | | |

Whereas the Lands belonging to the persons above mentioned are found since the Lines are laid out on the Eastern Shore in Somerset County to be within this Province of Maryland I do hereby promise to ratify and Confirm by Virtue of his Lordships Instructions to me directed every of the said

p. 16

Liber A. M. Lands by Pattent or Grant under the Great Seal of this Province to Each respective person when demanded within seven years time allowed each person for the making good their rights for every of the said Lands so by them first Surveyed on Virginia part, and now to be holden by his Lordships Grant within this Province at fifty Acres for every Right of Land so by them to be made good according to his Lordships Conditions of Plantation. Given under my hand this 11^t day of Iune 1668.

Charles Calvert

p. 62 Articles of Agreement between Philip Calvert Esq^r Chancellor of Maryland deputed by the honble the Governor of the said Province to treat and Conclude upon the Bounds of the said Prov^s and Col^o Edmund Scarburgh his Majestys Surveyor General of Virginia Authorised and Commanded to lay out the Bounds of Virginia

p. 63 1 Imprimis It is agreed that all Persons who have Surveyed or Patented and seated Lands on the Seaboard Side in the Right of Virginia and now fallen within the f divisional Line shall enjoy their said Lands they taking a Patent from the Lord Proprietary of Maryland and within seven years entring rights in the said Province and paying the half fees to the Surveyor General and full fees to the Secretary and Chancellor

2 Item all such as have already Pattented any Lands in right of Virginia in any other place within the Line aforesaid which is not also Pattented in Maryland shall have the Privilege in the foregoing Article allowed upon such terms as in the said Article is Expressed

3 Item all such who have Pattented and seated Lands in right of Virginia which do fall within the Line aforesaid & are Pattented likewise in Maryland but not seated in the same Right shall enjoy the same unless it can be proved they have Seated the said Lands in defiance and despite of the said Gov^t after warning Given provided they take Patents enter rights and pay Fees as in the first article is agreed

4 Item if any Land shall chance to be pattented only in right of Virginia for which there is also a Patent in Maryland the Patent in Maryland shall carry the Land in witness whereof the said Philip Calvert & Edmund Scarborough have hereunto set their hands the 25th day of Iune 1668

Signed

Philip Calvert
Edmond Scarborough

Whereas his Royal Majestys Commission to the Surveyor Liber A. M.
Gen^l of Virginia Commands setting out the Bounds of Virginia
with a Reference to his Majestys honble Governor & Council
of Virginia from time to time to give advice and Order for p. 64
directing the said Surveyor General to do his duty appertaining
to his Office in Order thereunto his Majestys honble Governor
and Council have by Letter moved the honble the Lord Balti-
mores Lieu^t General of Maryland to appoint some fitting person
to meet upon the place called Watkins Point with the Surveyor
General of Virginia and thence to run the divisionall Line to
the Ocean Sea &c^a the honble Philip Calvert Esq^r Chancellor
of Maryland being fully impowred by the honble Lieutenant
General of Maryland and Edmund Scarbrugh his Majestys
Surveyor General of Virginia after a full and perfect view
taken of the point of Land made by the North side of Pocomoke Bay and South side of Anemessexs Bay have and do
Conclude the same to be Watkins Point from which said Point
so Called we have run an East Line agreable with the ex-
treamest part of the Westernmost Angle of the said Watkins
Point over Pocomoke River to the Land near Robert Holstons
and there have marked Certain Trees which are so Continued
by an East Line Running over Swansecute Creeke into the
Marsh of the Sea Side with apparent marks and Boundaries
which by our mutual Agreement according to the qualifications
aforesaid are to be Received as the Bounds of Virginia and
Maryland on the Eastern Shore of Chesopeak Bay in Con-
formation of which Concurrence have set to our hand and
Seals this 25th day of Iune 1668

Signed Philip Calvert [Seal]
Edmund Scarbrugh [Seal]

At the Court at Whitehall
the 20th January 1668

P. 54

Present

The Kings most Excellent Majesty

His Royal Highness the Duke of York
His Highness Prince Rupert
Duke of Buckingham
Duke of Ormond
Marquis of Dorchester
Lord Chamberlain
Earl of Bridgewater
Earl of Barkshire
Earl of Sandwich
Earl of Bath
Earl of Carlisle

Liber A. M. Earl of Craven
 Earl of Lauderdale
 Earl of Middleton
 Earl of Carberie
 Earl of Orrerey
 Lord Bishop of London
 Lord Arlington
 Lord Newport
 Lord Berkeley
 Lord Ashley
 M^r Vice Chamberlain
 M^r Secretary Trevor
 M^r Chancellor
 S^r William Coventry
 Sir John Dunsombe

p. 55 His Majesty this day taking into Consideration the great Importance of the trade of his several Plantations is unto his Majesty & Kingdoms and being inform'd that several Governors of the said Plantations have been wanting to their duty in the particulars following (viz^t)

1 That the said Governors have not taken the Oath enjoyned by the Act intituled an Act for Encreasing and Encouraging of Shipping and Navigation

2 That Ships have been permitted to trade to and from the Plantations not qualified according to Law

3 That there hath been an Omission of taking Bond & sufficient Security and returning those Bonds according as is directed by Several Acts of Parliament for redress whereof it was this day Ordered by his Majesty in Council that the Farmers of his Majestys Customs do and they are hereby required at their own charge to send over or make choice upon the place and from time to time Commissionate and maintain one or more persons in each plantation whom his Majesty shall approve and Authorise to administer the Oath enjoyned by the said Act for encreasing and Encouraging of Shipping and Navigation to the several Gov^{rs} of his Majestys Plantations and to take especial Care that the Acts for preventing frauds and Regulating Abuses in his Maj^{stys} Customs and the Act for Encouraging of Trade be put in due Execution and that no Ships or Vessels be admitted to trade or suffer to Lade or unlade in any of his Majestys said Plantations before the said Officers have the perusall of the passes and Certificates be satisfied of the Truth of the same and that according to the said Act such Ships or Vessels may freely trade their and the same Testify in Writing as also that no Bonds or Security be admitted of without of the allowance of the said Officer in Writing and to the end these directions may have the better Effect it was

further Ordered that the said Farmers of his Majestys Customs do speedily Return unto his Majesty in Council or unto one of his Majestys Principal Secretaries of State the names of such persons as they design to employ in his Majestys Respective Plantations not only for his Majestys approbation but to be Authorized to Administer the Oath for Observing the said Act for Encreasing and Encouraging of Shipping and Navigation the Act for preventing frauds and regulating abuses in his Majestys Customs and the Act for Encouraging trade and all the parts and Branches thereof and that the said Officers be Required to Give frequent Advice unto the farmers of their proceedings and they unto his Majesty and Council to the end if they neglect or Offence be Committed they may be Redressed and punished

Liber A. M.
p. 56

Edw Walker

An Ordinance of the Right Honble the Lord Proprietary of this Province of Mary^d for the erecting of several Ports within the same

p. 3

Forasmuch as it is necessary for the good of Trade that Certain Ports within this Province of Maryland be appointed for the Lading and unlading of Merchandize his Lordship doth hereby Ordain make erect Constitute and appoint that the several places hereafter mentioned and none other unless by the particular appointment of his Lordship and his heirs or his or their Lieu^t or Lieu^s Chief Governors of the said Province for the time being that is to say in S^t Marys County in Saint Georges River afore the City of S^t Marys in Charles County in Wicocomico River as near the Town land as Ships and other Vessels can conveniently Ride in Calvert County in Patuxent River afore Harrington and afore Calverton in Battle Creek in the same River in Ann Arundell afore the Town Land purchased of Richard Acton and afore Herrington in Herring Creek in the same County in Baltimore County afore the Town Land in Bush River and Sassafrax River in Talbot County afore the Town Land in Chester River and afore the Town Land in Trudoven in Choptank in the same County in Kent County in the Creek afore Morgans Plantation in Somerset County afore James Iones his plantation shall be the Sole and only Seaports Havens Stations Creeks and places for the Loading and unloading and depositing of all and all manner of Goods Wares & Merchandises out of or into all & all Manner of Ships Barks Boats or other Vessels whatsoever repairing into or going out of this Province of Maryland or any the Islands Territories or places thereto Belonging and that no person or persons whatsoever inhabiting or hereafter to inhabit repairing or hereafter to repair into or in the said Province

p. 4

Liber A. M. Islands Territories or places belonging to the same shall at any time after the twentieth day of Iuly next ensuing the date hereof presume to lade unlade or deposite any manner of Goods Wares or Merchandizes out of or into any manner of Ship Bark Boate or any other Vessel repairing unto or going out of the said Province or any the Islands Territories or places thereunto Belonging & used for the exporting and importing of any Goods or merchandize out of or into the same in the way of Merchandize but only in some or one of the SeaPorts Havens stations Creekes or places aforenamed as they will Answer the Contrary at their perill And his Lordship doth also hereby Ordain make erect Constitute and appoint the said several Sea ports and places before be the publick markets for the buying and selling of all of Commodities goods and merchandizes as well imported as so as all Goods Merchandizes and Commodities publickly and sold in any of the publick marketts of the said Sea Ports or for good and Valuable Considerations shall be deemed adjudged and taken to be sold in Overt Market and the Buyers and purchasers of the same for such good and Valuable Considerations as aforesaid shall hold & enjoy the same without any manner of eviction disturbance or molestation as Goods Commodities and merchandizes sold in overt markett and that the property and properties of such Goods Commodities and Merchandizes so to be sold as aforesaid shall by such publick sale be Actually and Legally deemed adjudged and taken to be and to be invested in the Buyers and purchasers of the same who shall so publickly buy and purchase the same any thing to the Contrary in any wise notwithstanding and the said Lord Proprietary doth hereby further declare and Ordain that all and every Offendor and Offendors against the true intent and meaning of this present Ordinance shall suffer one whole years Imprisonment and for ever after be incapable of Claiming any new Grant or Grants of any Lands Tenements or hereditaments from his said Lordship or his heirs within the said Province or any the Islands and places thereto Belonging by Virtue of any Conditions of Plantation to the Contrary notwithstanding Given under the Great Seal of the said Province of Maryl^d the 20th day of April in the seven and thirtieth Year of his Lordships Dominion over the said Province Annoq Domini 1669 Witness Charles Calvert Esq^r his Lordships Lieutenant General of the said Province of Maryland/

Charles Calvert

By Order from the Honourable Charles Calvert Esq^r Lieutenant Governor of this Province of Maryland this within written Ordinance was proclaimed at the City of Saint Marys before

the Burgesses of the Assembly then Convened the two and Liber A. M.
twentieth day of April in the 37th Year of the Dominion of
Cecilius &c^a Annoq Dom 1669

p me

Walter Hall

To all People to whom these Presents shall Come Greeting p. 16
Know ye that I Charles Calvert Lieutenant & chief Governor
of this Province of Maryland and of the Islands and Territories
belonging to the same for the time being reposing special trust
and Confidence in the fidelity prudence Care and Circumspec-
tion of Iohn Blomfield Clerk have given and Granted and by
these presents do give and Grant unto the said Iohn Blomfield
the Office of Chief Clerk of the Secretaries Office of the Pro-
vincial Court and Council and of the Custody and keeping of
the lesser Seal Records and Registeries of the said Office & of
all other the Acts Ordinances Records Iournals and Registeries
of the said Province Dominions and Territories and of the
entring Recording enrolling Registring exemplifying and
keeping all and singular the Acts Ordinances and Pattents
Grants Iournalls Records and Registryes made or to be made
within the said Province dominions and Territories or there-
unto belonging and him the said Iohn Blomfield I do by these p. 17
presents make Constitute and Ordain chief Clerk under me of
the Secretaries Office Provincial Court and Council of this
Province of Maryland and of all and singular the dominions
and Territories thereunto belonging and keeper of the lesser
Seal Records and Registeries of the said Office and Keeper
and Register of all and singular the Acts Ordinances and
Records Iournals and Registeries made or to be made within
this Province of Maryland Dominions and Territorys or there-
unto belonging To have hold Occupy Possess enjoy and
exercise the said Office and Offices as aforesaid and Keeper of
the lesser Seal Records Iournals and Registeries of the same
and Keeper and Register of all and singular the Acts Ord-
nances Iournals and Registeries made or to be made within
this Province dominions and Territories or thereunto belonging
unto the said Iohn Blomfield by himself or by his sufficient
deputy or deputies by him to be appointed during his Lordship
his Pleasure I do also Give and Grant unto the said Iohn
Blomfield for the exercise and execution of the said Office and
Offices one third part of all & singular the Fees duties and
Regards unto the said Office and Offices & every or any of
them belonging and appertaining to have hold enjoy perceive
receive and take the said third part as aforesaid unto the said
John Blomfield together with the Office and Offices af^d during
his Lordships Pleasure and likewise I do by these presents
Constitute and appoint to be his Lordships publick Notary, &

Liber A. M. to be the publick Notary of this Province of Maryland and to use and exercise the Office of a publick Notary within this Province and Dominions as fully and absolutely to all intents and purposes as any publick Notary may or can lawfully use & exercise the Office of publick Notary in the place or places where he is Constituted publick Notary Giving and by these
 p. 18 presents Granting and I do hereby Give and Grant unto the said Iohn Blomfield one third part also of all & singular the reasonable fees duties profits and perquisites usually belonging or Appertaining to the Office of publick Notary to have hold perceive receive and take the said third part unto the said Iohn Blomfield together with the said Office of publick Notary during his Lordships pleasure Given under my hand and the lesser Seal of this Province of Maryland the fifth day of May in the seven and thirtieth year of his Lordships Dominion over this Province Annoq Domini One thousand six hundred sixty nine

Charles Calvert

An Oath for the chief Clerk of the
Office

I Iohn Blomfield do swear that I will be true and faithful in all things to the right honble Cecilius Lord Baron of Baltimore true and absolute Lord and Proprietary of the Province of Maryland and all and singular the dominions Islands and Territories thereto belonging and to his heirs and Assigns Lords and Proprietaries of the same I will at all times do perform execute and exercise all & every the Office and Offices Powers Authorities Commands Orders & Directions relating to the Office & Offices given and Committed or to be Given and Committed unto me by Charles Calvert Esq^r his Lordships Lieutenant or Chief Governor for the time being or by his Lordships or any Lawful power and Authority had or derived from his said Lordship I will truly endeavour faithfully and carefully to preserve and keep or Cause to be preserved and kept all the Records of or belonging to the said Province or his said Lordship and which shall Come into my hands & properly belong unto all or any the Office or Offices and to my Care and Custody so long as the same shall be by his Ldshps
 p. 19 Chief Governor for the time being permitted to remain in my Custody I will not wilfully or fraudulently deface alter change or imbezzle or Cause or procure to be wilfully or fraudulently razed defaced altered Changed or imbezzled the said Records or any of them I will truly and faithfully keep the Lesser Seal of the Province so long as the same shall be permitted by his Lordship or his Chief Gov^r for the Time being to remain in my Custody and will not directly or indirectly use permit or

suffer the same to be used Contrary to my. duty and trusts Liber A. M.
reposed in me by Charles Calvert Esq^r his Lordships Lieu-
tenant and chief Governor for the time being I will keep
a true & fair Record of all such things as I shall be required
to enter in the Secretaries Office Provincial Court Businesses
or Council I will in all things & upon all Occasions do Right
to all manner of People both rich and Poor without favour or
Affection hatred or Malice to any Person or Persons whatso-
ever

So help me God and by the Contents
of this Book

Mem^d that the Eighth day of May Anno 1699 the within
mentioned Iohn Blomfield took the within Specified Oath
before me

Charles Calvert

Instructions and Powers for Iohn Blomfield

Imprimis You are required after my departure to remove
all the Business to the Office at Saint Marys by virtue of that
Commission granted you you are to intend & dispatch all
Business that shall belong to you

Secondly Item you are impowered to enter all Ships and
Vessels that shall arrive in Saint Marys Port and to keep a
Book of Entry of all such Ships and Vessels that shall ride
either in that Port or any other Port in Patomeck River and p. 20
after you have received Order from M^r Notley my Atty from
whom you may expect directions from time to time for the
disposition of all Port duties and fees accruing due from
Masters of such Ships and Vessels as aforesaid you are
impowered and likewise hereby Ordered to sign dispatches for
all such Masters as aforesaid (viz^t by Order and Appointment
of the honble Charles Calvert Esq^r Iohn Blomfield

thirdly You are to instruct William Brooke how to keep
a Book of Entry of all such ships and Vessels as shall arrive
in Patuxent River and once a fortnight go to Mattapenny to
take an Account of the said Entries taken by the said Brooke
and the same you are to enter into the General Book which
you are to keep that so I may find the Books Clear and fair as
it hath been kept by you Anno 1668

Fourthly You are required to get the Books of Secretaries
fees ready early that the several Sheriffs of the several and
respective Counties may have them betimes hereby Ordering
that you Give Notice to the said Sheriffs that they give an Ac-
count of my Lords Rents and dues to my Attorney M^r
Thomas Notley to be disposed of by the said Notley as he shall
direct

Liber A. M. Fifthly You are impowered to take the proof of all such rights for Land as shall be offered by any Persons demanding benefitt of his Lordships Conditions of Plantation hereby requiring you to admit of no rights unless by Oath of the Party entring them it appear such Rights are Originally due to them as persons either transported by or Consign'd to them that shall demand benefit of the Conditions of Plantations of this you must take a special Care from time to time

Sixthly You must be Careful to delay no man when business ought to be done and suffer not the Clerk under you to exact unlawfully upon any Person either for expedition Money or otherwise least Complaints arise upon such indirect proceedings which have too lately Caused mischief

p. 21 Seventhly In Case I come not in early you are to follow such directions as you shall Receive from my Attorney M^r Tho^s Notley requiring you to write to me by all Oppertunities from these parts Virginia New England or New York

Eighthly You are strictly Charged to take Bonds of Navigation of all such Commanders and Musters of Ships or other lesser Vessels Coming into Patomeck to trade as shall not produce Certificate from some Custom house in England of bond Given there and to see that William Brookes observe the same Instruction and that Copies be writt of all such Bonds taken by you & the said Brookes of each Commander and Master as aforesaid to be sent as I shall hereafter direct and Appoint

Ninthly You are impowered to sign Letters of Administrations to take the Probate of wills and sign warrants to Appraisers not Omitting at the signing of such business by order and appointment of the honble Charles Calvert Esq^r

Tenthly Item you are Required to Cause all such Commanders and Masters as aforesaid to give bond with sufficient inhabitants of this Province for the paying and Satisfying all dues that the Laws of this Place do require from them the form of such a Bond you may expect from M^r Thomas Notley Given under my hand the fifteenth day of May One thousand six hundred sixty nine

[Sealed]

Charles Calvert

Liber A. M.
p. 1

Commission of the Peace for
Dorchester County

Cecilius Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c to Raymond Stapleford John Pollard W^m Stevens of little Choptank Steven Gray W^m Stevens Henry Tripp Anthony Le Compte and Henry Hooper Gent Greeting Know ye that we for the great trust and Confidence that we have in your Fidelities Circumpections prudences & Wisdoms have Constituted Ordained

and Appointed and do by these presents Constitute Ordain Liber A. M.
and Appoint you the said Raymond Stapleford Iohn Pollard
William Stevens Stephen Gary William Stevens Henry Tripp
Anthony Le Compte and Henry Hooper Gent Commissioners
jointly and severally to keep the peace in Dorchester County
and to keep and Cause to be kept all Laws and Ordinances
made for the good and Conservation of the peace and for the
quiet Rule and Gov^t of the People in all and every the
Articles of the same and to Chastise and punish all persons
Offending against the Form of any the Laws and Orders of
our said province of Maryland or any of them in Dorchester
County aforesaid as according to the form of those Laws and
Orders shall be fit to be done We have also Constituted and
Ordained you and every four or more of you of which you the
said Raymond Stapleford Iohn Pollard or William Stevens of
Little Choptank (unless some one of our Council be present
are also to be our Commissioners to enquire by the Oath of
Good and Lawful men of your County aforesaid of all manner
of Felonies witchcrafts Inchantments Sorceries Magick Arts
Trespasses forestallings engrossings and extortions whatsoever
and of all and singular other misdeeds and Offences of which
Iustices of the Peace in England may or ought Lawfully to p. 2
enquire by whomsoever or whensoever perpetrated or which
hereafter shall happen to be done or perpetrated in the County
aforesaid against the Laws and Ordinances of our said Province
of Maryland Provided you proceed not in any the Cases
aforesaid to take Life or member but that in every such Case
you send the prisoners with their indictment and the whole
matter depending before you to the next Provincial Court to
be holden for our said Province of Maryland whensoever or
wheresoever to be holden there to be tried and further
we do hereby Authorize you to issue Writts process arrests &
attachments to hold Plea of Oyer and terminer, and after Iudg-
ment Execution to award in all Causes Civil whether Real or
personall in Action doth not exceed three thousand
pounds of Tobacco to the Laws Orders and Reasonable
Customs made and used in Province of Maryland in
which Causes civil to be tried we do Constitute
Ordain and Appoint you Raymond Stapleford Iohn Pollard
and William Stevens of little Choptank to be Iudges as afore-
said unless some of our Council be then in Court and there-
fore we do Command you that you diligently intend the
keeping of the peace Laws and Orders and all and
singular other the premises and at certain days appointed
according to Act of Assembly in that Case provided and at
such Places which you or any four or more of you as aforesaid
shall in that Behalf appoint ye make enquiries upon the prem-

Liber A. M. ises and perform and fulfil the same in form afores^d doing therein that which to Iustice appertaineth according to the Laws Orders and Reasonable Customs of our said Province of Maryland saving to us the Amercm^{ts} and other things thereof to us belonging and therefore we Command the Sheriff of the said County of Dorchester by Virtue of these presents that at
p. 3 the days and places aforesaid which you or any such four or more of You as af^d shall make known to him to give his Attendance on You & if Need require to cause to come before You or any such four or more of you as aforesaid such and so many lawful men of your County by whom the truth in the premises may be the better known and enquired of and further we will that the said County extend to Great Choptank River including the South Side thereof to be accounted and taken to be within the said County of Dorchester and lastly we have appointed Edw^d Savage Clerk and Keeper of the Records and proceedings in your said County Court and therefore you shall Cause to be brought before you at the said days and place the writts precepts process and indictments to your Court and Jurisdiction belonging that the same may be inspected and by a due Course determined Given at St Marys under our Great Seal of our said Province of Maryland this sixth day of May in the seven and thirtieth Year of our Dominion over our said Province Annoq Domini One thousand six hundred sixty nine Witness Charles Calvert Esq^r our Lieutenant General Chief Governor and chief Iustice of our said Province of Maryland

p. 6 To William Calvert Esq^r one of my deputies

I do hereby appoint you Iudge in Testamentary Business until I return for which this shall be your sufficient Warrant Given under my hand this 27th day of May One thous^d six hundred sixty nine

Charles Calvert

Instructions from the right Honble Cecilius
 Absolute Lord and Proprietary of the Provinces
 of Maryland and Avalon Lord Baltimore

To his dear Son Charles Calvert Esq^r his Lordships
 Lieuten^t of the Province of Maryland and in his absence
 to his Deputy or Deputies for the Government of the
 said Province

Imprimis His Lordship doth hereby Authorize and require him to admit his Lordships dear Nephew William Calvert Esq^r and his Lordships well Beloved Samuel Chew of Herrington in the County of Ann Arundell in the said Province of Maryland Esq. to be of his Lordships Council and Iustices of his

Provincial Court in the said Province Provided that they take the Oaths belonging to the said Offices in Open Court before they enter into the said Employments which Oaths his Lordship does hereby Require his said Lieutenant or his said deputy or deputies to Cause to be Administred unto them and his Lordships further Pleasure is that his said dear Nephew William Calvert do take his place in the Provincial Court and Council next to the Chancellor Liber A. M.

2^{dy} That according to his Lordships former directions no Land be Granted hereafter from his Lordship in his said Prov^d for a less Rent then two Shillings Sterling yearly for every fifty Acres and that Special Care be taken that the Surveyor General do speedily set out ten thousand Acres of the best Land up in the freshes of Potomack River for his Lordships use & also that no inchroachments be made by any other Persons upon any Lands already reserved or that shall hereafter be reserved for his Lordship as also that no Lands whatsoever formerly Granted and since Escheated or forfeited to his Lordship be Granted away upon Rights of Plantation or otherwise without special warrant under his Lordships hand and seal p. 7

3^{dy} That you use all means Possible to procure that some persons be seated upon the Sea board side on the Eastern Shoar and on Deleware Bay within the Degree forty Northerly Latitude and particularly the Whore kill and for the Encouragement of Planting in those parts it is his Lordships pleasure that Lands be Granted there to such persons at the rent of one Shilling Sterling yearly for every fifty Acres according to the former Conditions of Plantation and if any shall presume to oppose you in it you are to maintain his Lordships right by force if Need be which his Lordship will justify you in it is likewise his Lordships further pleasure that the Surveyor General do set out for his Lordship at the Whorekill and Seaboard Side of the Eastern Shoar of the best Land and in the most Convenient places to be found in those parts two Mannors in every County each Mannor Containing six thousand Acres at the least

4^{thly} Whereas his Lordship Granted to his Son a power during his being of the said Province to suspend any person of the Privy Council Officers and to add to the number of the said Privy Council such persons as thought fit his Lordship thinks fit hereby to declare that he intends not that his Sons deputies should have any such power nor any such Authority without special warrant for the same under his Lordship hand and seal Given under his Lordships hand & Lesser Seal at Arms this twenty eighth day of Iuly One thousand six hundred sixty nine

C Baltimore

Liber A. M. October 22^a 1669

P. 13 On the Back side of the foregoing Commission was thus endorsed

Memorandum that on the day and Year aforesaid the within written Philip Calvert Chancellor William Calvert Ierom White and Robert Brooke Esq^{rs} took the Oath within mentioned being first administred to the said Chancellor by the said William Calvert Ierom White and Baker Brooke Esq^r and by the said Chancellor administred to the said William Calvert Ierom White and Baker Brooke Esq^r as herein is required and this Commission was then at the City of Saint Marys published by

John Blomfield

At a Council held at the City of S^t Marys
the 22^d day of October 1669

Present

| | |
|---------------------------------|---------------------|
| Philip Calvert Esq ^r | Chancellor |
| William Calvert | } Esq ^{rs} |
| Ierom White | |
| Baker Brooke | |

P. 14 Was read his Lordships Instructions bearing the 23^a day of July One thousand six hundred and sixty nine and according to his Lordships first instruction his Lordships Nephew W^m Calvert Esq^r was admitted of his Lordships Council and

Ordered that Notice be given to Samuel Chew of Herrington in the County of An Arundell to appear at the next Provincial Court to take the Oath of Iustice of the said Court and afterwards one of his Lordships Council

Ordered that all Land by the water side and three miles into the woods above Piscattoway not surveyed be Reserved until ten thousand Acres be laid out for his Lordships use

Ordered that from the hore kill to the degree forty North-erly Latitude be erected into a County called by the name of Durham and from the hore kill to Mount Scarborough be likewise erected into a County and Called as the Lord Proprietary shall hereafter direct

Ordered that Notice be given to the Sheriffs of Somerset Dorchester Talbot & Baltimore Counties that what Persons will seat on any Lands on the Seaboard Side and Deleware Bay from the Bounds of Virginia to the degree forty North-erly Latitude shall for their encouragement pay only one Shilling Sterling rent p Annum for every fifty Acres which he or they shall take up upon Legal warrant and that the Surveyor General do Authorize some persons as he shall think fit to Survey the same and lay out by former Order two Mannors for his

Lordships use in each County each Mannor to Contain six thousand Acres a piece Liber A. M.

Ordered that the Surveyor General do make out the Northernly bounds of this Province as near as possible at the Degree of forty and return his Observations to the Deputy Lieu^{ts} in Council

Ordered that M^r William Brookes the Governors Steward be desired to provide the Governors Sloop with men and victuals to Accommodate the Surveyor General up the Bay by the twenty ninth of this instant October p. 15

At a Council of the right Honble the Lord Proprietary of this Province held at S^t Marys the two and twentieth day of October One thousand six hundred & sixty nine

p. 24

Present

Philip Calvert Esq^r Chancellor
Jerome White
Baker Brooke Esq^{rs} } Councillors

Was then read his Lordships Instructions bearing date the 28th day of Iuly 1669 and According to his Lordships first instructions his Lordships Nephew William Calvert Esq^r was admitted one of his Lordships Council and Ordered that Notice be Given to Samuel Chew of Herrington in the County of Ann Arundell Esq^r to appear at the next Provincial Court to take the Oath of Iustice of the same Court & afterwards to take the Oath of one of his Lordships Council p. 25

Ordered that the Land by the water side and three miles into the woods above Piscattoway be reserved and not surveyed until ten thousand Acres be laid out for his Lordships use

Ordered that from the Whore kill to the degree forty Northernly Latitude be erected into a County and called by the Name of Durham County and that from the Hore kill to Mount Scarborough be likewise erected into a County & called as the Lord Proprietary shall hereafter direct

Ordered that Notice be Given to the Sheriffs of Somerset Dorchester Talbot & Baltimore Countys that what persons will Seat any Land on the Seaboard Side and Delaware Bay from the Bounds of Virginia to the degree forty Northernly Latitude Shall for their Encouragement pay only one shilling Sterl rent p Annum for every fifty Acres which he or they shall take up upon Legal warrant and that the Surveyor General do Authorize some person that he shall think fit to survey the same and according to his Lordships former Order to lay out for his Lordships use two mannors in each County each Mannor to Contain six thousand Acres at the least

Liber A. M. Ordered that the Surveyor General do make out the Northernly bounds of this Province as near as Possible at the degree forty Northernly Latitude and return his Observations to the deputy Lieutenants in Council and that M^r Brooks the Governors Steward be desired to provide the Governors Sloop with men and Victuals for the accommodating the Surveyor General up the Bay by the nine and twentieth of this instant month of October

p. 23 Copy of a Letter sent from New Castle the 26th of November 1669 unto Colonel Francis Lovelace Governor of New York

Honoured Sir

In Obedience to the right honble the Lord Proprietary of Marylands Orders viz^t to Cause to be surveyed & seated all his Lordships Land mentioned and Containd within his Patent to the Sea board side and Deleware to the Latitude of forty degrees Northward in pursuance of which having been at New Castle upon deleware River and found the said New Castle by Observation made this day the six and twentieth day of November 1669 to lye in thirty Nine Degrees thirty minutes Northernly Latitude which is thirty minutes to the Southward from the Northern Bounds of the Land Granted by his Majesty of Great Britain to the Lord Proprietary of Maryland as by his Lordships Patent more largely doth appear but understanding the said Town of Newcastle (since his Majesty was most Graciously pleased to send forces to reduce it from the usurped Power of the dutch) hath been protected under the Government of New York I could no less but acquaint your Honour with the claims I have made and do make in these presents make in the name of the right Honble the Lord Proprietary of Maryland to the Town of New Castle and unto all the Islands and Territories lying on the west to the main Ocean and Deleware from the Bounds of Virginia unto the Latitude of forty Degrees Northward so hoping your Honour will not be an Obstruction to my Proceedings but quietly suffer his Majestys Subjects to be seated under that Power he hath most graciously been pleased to bestow on the Lord Baron of Baltimore I rest

Your Honours most humble Serv^t
Jerome White

p. 23 Right Honble

Since it hath pleased God to take away Iohn Collet a Clerk of this County and the County Business being neglected for want of a Clerk by the advice of Ierome White Esq^r we have for the present made choice of one Thomas Salmon whom we

know to Capable of the Imployment and do therefore Crave Liber A. M.
your Honours Confirmation and we shall remain

Baltimore County

Your honours faithful Serv^{ts}

November 29th 1669

To the honble the Gov^r
of the Province of Maryl^d

these humbly present

Thomas Atowell

Godfrey Bayley

Jo: Van heeke

At a Council held of the Right Honble the
Lord Proprietary held at Saint Marys the 15th
day of December 1669

p. 26

Present

| | |
|----------------------------------|---------------|
| Philip Calvert Esq | } Councillors |
| William Calvert Esq ^r | |
| Ierome White Esq ^r | |
| Baker Brooke Esq ^r | |
| Samuel Chew Esq ^r | |

His Lordships Instructions concerning the Annual Rent of
4^s for every hundred Acres was debated several Pattents being
in the hands of the honble the Chancellor before the receipt of
his Lordships Instructions 24 whereof were signed by the
Honble Charles Calvert Esq^r Governor before his departure
out of this Province resolved that those only pass the Seal and
are as follows

| | Acres | | |
|------------------|-------|---------------------------------|-----|
| Iustinian Dennis | 350 | Cornelius Comeygs | 350 |
| John Davis | 200 | Philip Combs | 150 |
| Thomas Goddard | 50 | Francis Adams | 100 |
| John Hunt | 100 | Tho ^s Stonstreet | 150 |
| Owen Iones | 70 | John Gwyn | 30 |
| Robert Gates | 100 | John Coffers | 100 |
| Gilbert Cropp | 100 | Thomas Phelps | 100 |
| Thomas Warner | 100 | In ^o Hicks & Meekins | 100 |
| Andrew Ward | 100 | Thomas Shuttleworth | 200 |
| Robert Gates | 257 | John Boyden | 80 |
| John Bayley | 300 | Ninian Beale | 300 |
| John Whinfield | 200 | George Uld ^r son | 200 |

Ordered that M^r Ienifer be satisfied out of the publick for
taking down the Partition between the Court Room & S^t
Marys Room leaving the posts standing

Memd that on the 15th day of December 1699 the abovesaid p. 27
Samuel Chew Esq^r took the Oath of one of his Lordships
Council

Liber A. M.

P. 23

December the 16th 1669

The Council approves of the abovesaid Thomas Salmon to be Clerk of Baltimore County until further Order

John Blomfield Clk Council

P. 27 January the 4th 1669

Upon information Given by Daniel Ienifer Gent unto William Calvert Esq^r one of his Lordships Privy Council that James Clifton of Virginia Gent being within this Province (to witt) the second day of this instant month of January at the City of S^t Marys within this Province did Maliciously and Traiterously Utter publish and declare divers Traiterous words of Concerning and Against the Majesty and Person of our Royal Sovereign King Charles the second King of England &c^a (to wit) that the King was a Son of a Whore and owed him one thousand pounds and never paid him nor never would

Whereupon it was Commanded Iohn Keelee that he take the Body of the said James Clifton and him to bring before the said William Calvert Esq^r or some one of his Lordships Privy Council to answer the premises

Afterwards to wit the fifth day of the same month of January in the year aforesaid before Philip Calvert Esq^r & William Calvert Esq^r two of his Lordships Council came the said James Clifton in the Custody of the said Iohn Keelee and the said Daniel Ienifer likewise and the said Daniel saith that he was informed by Abraham Aldred and Walter Lane that the said James Clifton had spoken the abovesaid words against the Kings Majesty whereof he standeth accused and the said Abraham Aldred & Walter Lane appearing & being sworn upon their Oaths the s^d Abraham Aldred saith that being in Company with M^r Clifton on Sunday last among several others there was Some quarrelling but he never heard M^r Clifton speak any thing against the King of England in his life and further depose that he did not hear the said Clifton speak these words (viz^t) that the King was a Son of a whore and
p. 28 owed him one thousand Pounds and never paid him nor never would

And the said Walter Lane upon examination saith that being in Company with M^r Clifton and several others there was some discourse Concerning Indian Kings but he did not hear the said Clifton speak any such words as the King was a Son of a Whore and owed him one thousand pounds & never paid him nor never would and that M^r Berry did then drink a health to the King but what King this deponent knoweth not and that the said Clifton did say to the said Berry that he was an unworthy Person

The witnesses swearing nothing in relation to the Accusa- Liber A. M.
tion it was thereupon Ordered that the said James Clifton be
released

At a Council of the right Honble the
Lord Proprietary held at Saint Marys
the 9th day of February 1669

Ordered that William Holland William Keene John Roch &
William Burdit who brought over from Virginia and deluded
here Thomas Gill William Pitts and Hendrick Ianson upon
suspicion of murdering one George Servant to Mark
Cordea be allowed them for a Gratuity sixteen hundred Pounds
of Tobacco the same quantity to be allowed the Chancell^r out
of the publick Levy he paying the same to Captain Lister for the
use of the said persons

February the 9th 1669

P. 34

Commission for the peace in the County of Somersett by
Order from the deputy Lieutenants issued authorising

| | | |
|------------------|---|-------------------------|
| Stephen Horsey | } | Gentlemen of the Quorum |
| William Stevens | | |
| John White | | |
| Henry Smith | | |
| James Weedon | } | Gent Commissioners |
| James Iones | | |
| John Wind | | |
| George Johnson | | |
| William Coleborn | | |
| Charles Ballard | | |

Eodem die

Commission to Captain John White to be Captain of Horse
for the whole County of Somerset

Commission to Captain Paul Marsh to be Captain of Foot
from Nantecoke to Manaokin.

Commission to Captain William Coleborn to be Captain of p. 35
Foot from Monoakin to Pocomoke

February

Commission of the peace for the County of Calvert by order
of the hon^{ble} the Deputy Lieu^t Authorizing

| | | |
|---------------------|---|--------------------|
| Major Thomas Brooke | } | Gent of the Quorum |
| Thomas Sprigg | | |
| Charles Brooke | | |
| John Abington | | |
| Richard Pery | | |
| James Trueman | | |
| Nathaniel Trueman | | |

| | | | |
|-------------|------------------|---|---------------------|
| Liber A. M. | Francis Anketill | } | Gent Commissioners |
| | George Peake | | |
| | William Groome | | |
| | Tobias Norton | | |
| | Peter Sharp | | |
| | William Berry | | |
| | Edward Keene | | |
| | Arthur Ludford | | |
| | John Tawney | } | John Gittings Clerk |

p. 21 Honoured Uncle

Yours of the seven and twentieth instant I Received and shall willingly Consent that Desborough Bennet may be im-
powered until further Order but I am not well Satisfied
whether or no Mr Notley be not impowered from the Governor
in this Case however we being ignorant of any such Power as
for my own part I am I think it not Wisdom of us to let the
Business of the Country be foreslowed therefore pray Sir
impower him until further Order I Rest

p. 22 February 28th Munday

Your humble Serv^t and Affectionate

| | |
|---|------------------------|
| To the honble Philip | Nephew |
| Calvert Esq ^r one of his Ldshp | W ^m Calvert |
| Deputy Lieu ^{ts} and Chancellor | |
| of Maryland Present | |
| Post hast W ^m Calvert | |

I do hereby Consent that Desborough Bennet shall execute
the Place of deputy Sheriff of Kent County till Major Ingram
recover and in case of his death (that is to say) Major Ingrams
death till further Orders from the deputy Lieutenants and I do
hereby Order John Blomfield Chief Clerk of the Office to send
an Order to this purpose to the said Desborough Bennet to
execute the said Office of Deputy Sheriff of the said Island as
abovesaid and to affix the lesser Seal of the said Province to
the said Order & to sign it by Order of the deputy Lieu^{ts} and
to deliver it to Robert Dun to be sent to the said Bennet after
he hath Recorded these our Consents to the said Order Given
under my hand this 28th February 1669

Philip Calvert

By and with the Consents of the deputy Governors of the
Province you are hereby Ordered that until Major Thomas
Ingram recover of his sickness and in case of his death till
further Order from the Deputy Lieutenants you execute the
Place of deputy Sheriff of the County of Kent In testimony

whereof the lesser seal of this Province is hereunto put the Liber A. M.
first day of March In the thirty eighth year of the dominion
of Cecilius &c^a Annoq Domini 1669

To Desborrough Bennet

Signed by Order from the

Deputy Lieutenants

Locus Sigilli

John Blomfield

Instructions from the right honble Cecilius

p. 28

[Sealed] Absolute Lord and Proprietary of Maryland
and Avalon Lord Baltimore &c

To his dear Son Charles Calvert his Lordships Lieutenant
of the Province of Maryland and in his absence to his Deputy
or Deputies for the Government of the said Province

1st That whereas his Lordship by his Instructions of the 28th p. 29
day of Iuly 1699 did Order that no Land should be Granted
thereafter from his Lordship in his said Province of Maryland
by virtue of any former Conditions of Plantation fo or in
respect of any person or persons transported into his said
Province under a lesser Rent then two Shillings Stert p Annum
to be reserved due and payable to his Lordship his heirs and
Successors Lords and Proprietaries of the said Province for
every fifty Acres of Land excepting only on the Sea board
Side on the Eastern Shore and on Deleware Bay within the
40th degree Northerly Latitude & particularly at the Hore kill
in which places so excepted as aforesaid his Lordships Pleasure
was and is that Lands be Granted at the Yearly Rent of one
Shilling Sterling p Annum for every fifty Acres to be reserved
due and payable as aforesaid according to the Conditions of
Plantation before the said Instructions his Lordship doth now
declare order and Authorize you to pass in his name under his
great Seal there such Grants of Land as were due to any
Person or Persons being Transported into his said Province
before the said 28th day of Iuly 1669 at the former yearly Rent
of one Shilling Stert for every fifty Acres according to his
Lordships former Conditions of Plantation any thing in the
said Instructions of the said 28th day of Iuly notwithstanding
but as to the appointing of Land there for and in respect of
any Person or Persons that have been or shall be transported
into his said Province since the said 28th day of Iuly 1669 his
Lordships will and Pleasure is that his said Instructions of the
said date shall be Observed

2^{dly} That you endeavour to the utmost of your Power to
procure that some persons be Seated upon the said Seaboard
side on the Eastern Shore and on the said deleware Bay within
the fortieth degree of Northerly Latitude and particularly at p. 30
the Whore kill for the further and greater encouragement of
the planting of which places his Lordship doth hereby give you

Liber A. M. power and Authority to permit any person or persons of British or Irish descent who shall desire to seat themselves on any of the said places last mentioned to take up upon Credit any quantity of Lands or number of Acres there not Exceeding the number of three hundred Acres by any one person so as every grants of such Lands so to be made and Granted upon Credit be particular and by itself and so as there be Reserved unto his said Lordship and his heirs upon every such Grant the Yearly Rent of one Shilling Sterling for every fifty Acres of Land so to be Granted upon Credit as aforesaid & also all Royall Mines & so as Every such Grant of Land so to be taken up & granted upon Credit as af^d be made and Granted upon Condition to be Void in case the Grantee or Grantees to whom the same shall be so made and Granted his or their heirs or Assigns respectively do not or shall not within four Years to be Accounted from the day of the date of such Grant or Grants respectively bring in or import into the said Province to reside and Continue there one person of British or Irish descent for every fifty Acres so to be Granted upon Credit as aforesaid and make sufficient Legal Proof of such bringing in and importation of every such Person

3th That notwithstanding any Reservation made by his Lordship or his Lordships Surveyor General for his Lordships use of any Lands on either side of Mount Scarborough in the County of Somerset within the said Province you shall forthwith make good all Articles made by our dear Brother Philip Calvert Esq^r on his Lordships behalf and Col^o Edmund Scarborough upon the Laying out of the Bounds between his Lordships said Province and the Province of Virginia in relation to the Granting of any Lands in and by the said Articles Agreed
p. 31 to be Granted to any person or persons whatsoever at the time of the making of the said Articles so as the said Grants be made according to his Lordships Conditions of Plantation before his Lordships Instructions above mentioned bearing date the 28th day of July 1669 and so as all Royal Mines be excepted in every such Grant

4^{thly} Whereas his Lordship is informed that his seal for Ann Arundel County hath been put and is now in the keeping of Mr Tho^s Taylor his Lordships will and pleasure is that the said Seal be forthwith taken from him and put into the hands of Mr Sam^l Chew one of his Lordships Council and inhabitant of Ann Arundell County and in these respects more properly qualified for having the Custody of the same wherefore you are not to fail in the speedy performance of his Lordships will and pleasure herein Given under his Lordships hand and lesser Seal at Arms this one & twentieth day of March 167⁴/₅

C Baltimore

[Petition of Pascataways.]

Liber A. M.

Iuly 20th 1670/

Came Monatquund Speaker of Piscattoway Unnacawsey Mappassanough Councillors of Piscattoway to Philip Calvert and William Calvert Esq^{rs} deputy Lieutenants of this Province of Maryland

And said they came to revive the League between the said Pascattoway Indians and the English and first in the name of the Boys, next in the name of the elder Persons that they might eat drink Sleep and play in quiet, the women, in like manner, desire the peace, acknowledging the Lord Proprietary for their Lord and Protector, next the old men desire it that they may sleep by their wives quietly and take their Tobacco: that they had not long presented any thing and that now they came to keep in memory the peace that now they are reduced to a small Number and therefore they cannot present any thing Considerable, Lastly from the miserable Poor they desire that hereafter when their Nation may be reduced to nothing perhaps they may not be Scorned and Chased out of our Protection p. 32

To which was answered by the deputy Lieutenants that as they desired to Continue in Amity with us so did we Assure them that we should not break the Articles made & Confirm'd by Act of Assembly between the Lord Proprietary and them and that we do hope they will be mindful and wary to preserve every of the said Articles and that so long we should not scorn or Cast of the meanest of them

Was then moved by the Deputy Lieutenants to have the Indian that stroke Benjamin Price delivered there being a Great doubt that the said Price died of the Blow to which they replied that Price died not of the Blow but was in health twenty days after and that the said Price was swimming and diving in the presence of M^r Chandlers Children at Port Tobacco and came out of the water sick of an Ague and vomited and of the said sickness died whereupon the Deputy Lieutenants desired to speak with the Emperor the last day of October together with his Council at S^t Marys

To which the Speaker answered the Emperor was at the Sasquehanoughs and that it was not in his Power to promise that he should come but for Clearing the Business desired the head might be Searched

Whereupon it is Ordered that Iohn Stansley and Iohn Peerce Chyurgeons do view the head upon monday the Eighth of August and that Monatquund be present and that the Chyurgeons Certify what their opinions are touching the death of the said Price

Liber A. M. Further Ordered that there be given to the said Monatquund Unnacasey & Wappassanough three Match Coats and two Gallons of Rum

P. 33 At the City of Saint Marys

Whereas Iohn Blomfield Clerk of the Office hath rendered himself unfit any Longer to be employed in that Office by Breach of the Peace and other misdemeanors as well as by Breach of Trust in receiving and disposing of the Governors dues and also for Receiving the Lord Proprietaries dues without warrant and Contrary to the express Order of the Governor or his Attorney and whereas there is vehement suspition that he intends to run away out of this Province by preparing a Boat and endeavouring to purchase Arms (though bound to the Peace) as appears by the oath of Rich^d Moy being much Indebted as well to his said Lordship as to the Right honble the Governor and other Persons of this Province we do hereby discharge the said Iohn Blomfield of the said Office and of all Attendants thereupon and do hereby Order him the said Iohn Blomfield to deliver the Key of the said Office together with all the Records of this Province now in his keeping to the said Richard Moy and we do hereby further Order the said Rich^d Blomfield to deliver the lesser seal of this Province to us the deputy Lieutenants or one of us Given under our hand and Seals this 21st day of Iuly in the 39th Year of the Dominion of Cecilius &c^a Annoq Dom 1670

p. 8 Commission to the Deputy Lieutenant

To all persons to whom these presents shall Come the right Honourable Charles Calvert Esq^r Lieutenant General chief Captⁿ and chief Admiral both by Sea and Land Chief Governor and Commander of the Province of Maryland in the parts of America and of all the Islands Territories and Dominions thereunto Belonging sendeth Greeting whereas the said Lieutenant being now arrived in England in Obedience to the Commands of the Lord and Proprietary of this Province whose services may possibly Oblige the said Lieutenant to a longer absence from his Government and the Actual Exercise of his Office then he could well foresee at his departure from the said Province by reason whereof its become necessary for him to give more particular powers and Authorities then hitherto he hath done to the persons by him Constituted his deputies for the exercise of his said Office and Government in his absence & to make some addition to the persons by him Constituted and intended to be Constituted

deputies as aforesaid least that by the absence or death of any of them there shoud happen fail or neglect in the execution of the said Office Now Know ye that the said Lieutenant for the Considerations aforesaid and for and in Consideration of the particular trust and Confidence which he hath in his most dear Uncle the honble Philip Calvert Esq Chancellor of the said Province his dear Cozen William Calvert Esq^r and his well Beloved Ierome White Esq^r and Baker Brooke Esq^r hath made Constituted and Ordained and doth by these pres^{ts} make Constitute and Ordain the said Chancellor W^m Calvert Jerome White Baker Brooke or any three or two of them of which the said Chancellor or William Calvert (if either of them shall be living and present within the said Province) to be one to be his sufficient deputies and Commissioners by him in his Absence appointed for the Government of the said Province and the Exercise and Execution of all such Authorities as by Virtue of any Commission or Commissions Letters Pattents or Other Grant or Grants of his s^d Lordships the said Lord and Proprietary the Deputy or Deputies or Comms^{ts} of the said Lieutenant by him in his Absence appointed or to be appointed can or may exercise or Execute Giving and by these presents Granting unto his said deputies and Commissioners all such powers Governments Authorities and jurisdictions as he the said Lieutenant can or may Lawfully Give or Grant to any Deputy or Deputies by him in his Absence appointed or to be appointed by Virtue of any such Commission Granted or Letters Pattent of his said Lordship as aforesaid to be held exercised or executed by them the said Chancellor William Calvert Ierome White and Baker Brooke or any three or two of them of which the said Chancellor or W^m Calvert either of them shall be living or present within the said Province) to be one during the absence of the said Lieuten^t from the said Province or until such time as he the said Lieu^t shall think fit by any instrument under his hand and seal to revoke these presents and the Authorities hereby Given and the said Lieutenant doth likewise Give and Grant unto his said Deputies or any three or two of them of which the said Chancellor or William Calvert (if either of them shall be living and present within our said Province) as aforesaid to be one during the s^d Absence of the said Lieutenant and the Continuance of the Powers and Authorities hereby Given by themselves their Captains and Officers by them to be appointed to Levy Muster and train all sorts of men of what Condition soever and wheresoever Born within the said Province and Territories for the time Remaining and in Case of Insurrections Assaults or approaching of any Enemy or Enemies Pyrate or Pyrates or other Robbers to make War against them, & to pursue such

Liber A. M.

p. 9

p. 10

- Libert A. M. Enemy or Enemies Pyrate or Pyrates or Robbers as well by Sea as Land and to Vanquish and take them and being so taken to put them to Death by the Law of War or to save them at their pleasure and to do all and every thing which unto the Charge and Office of a Captain General of an Army or Admiral of a Fleet belongeth and likewise in Case of any Rebellion Tumult or sedition either upon Land within the said Province and Dominions or upon the Seas to exercise martial Law against all Rebellous mutinous and seditious persons of those parts who shall Refuse to submit themselves to his Lordships Government or to serve in the wars or shall fly to the Enemy or forsake their Ensigns and be Loyterers or Straglers or otherwise howsoever offending against the Law Custom or discipline military as freely and in as ample manner and form as any Cap^t General of an Army or Admiral of a Navy by virtue of his Office might according to the Laws of the said Province do the same and further the said Lieu^t doth Grant unto the said Deputies or any two or three of them of which the said Chancellor or William Calvert (if either of them shall be living and present in the said Province as aforesaid) to be one full Power and Authority during the Continuance of the Authorities hereby Granted for and in the name of the said Lord and Proprietary as they shall think fitting from time to time to pardon Remit or Release whether before Iudgment or After all Offences against the laws of the said Province and Dominions or any of them and also all and all manner of Corporal Pains and penalties incurred or to be incurred by any person or persons for or by Reason of any Crime or Crimes Offence or Offences Committed or to be Committed against any the Laws Ordinances or Orders of the said Province so as no such Pardon Remission or Release do
- p. 11 not or shall not extend or to be Construed to extend any ways to pardon Remit or Release any forfeiture or forfeitures incurred or to be incurred accruing or to be Accrued unto his said Lordship for or by Reason of any such Crime or Crimes Offence or Offences us aforesaid with full power and Authority also in the name of his said Lordship to make Ordain and publish such wholesom reasonable and profitable Ordinances Edicts and Proclamations within the said Province and Dominions for the better Government of the People there inhabiting and with such Reasonable pains and Penalties to be therein expressed as he the said Lieutenant might do if he was then and there personally present and also full power and Authority to direct and Appoint for and in the name of his said Lordship to pass under his said Lordships Great Seal of his said Province such Grant and Grants of such proportion and proportions of Land within the said Province to such

person and persons and for such Estate and Estates and with such priviledges and immunities and under such Conditions as his said Ldshp hath directed or shall from time to time hereafter direct by any Warrant or Warrants under his said Lordships hand and seal at Arms so as the said Warrant or Warrants be duly entred and Registered and the said Lands duly Surveyed and the Surveys thereof returned and all and every the necessary Rules Orders and Circumstances heretofore by his said Lordship given or appointed in Relation to the surveying of such Lands and to the entring Registring and attesting of the surveys thereof and all necessary Circumstances touching such Grants Surveys and Warrants heretofore by his said Lordship Given or appointed to be first duly observed and performed willing and by these Pres^{es} Requiring the said deputies from time to time to advise as there shall be Occasion with his said Lordships Council of the said Province for the time being upon and in Relation to all urgent Occasions touching Concerning or relating to the Government of the said Province and of the people there Provided always that the said deputies or any of them shall not have power hereby nor shall these presents or any thing therein Contained be Construed deemed adjudged or taken to Give any Power or Authority to the said Deputies or Commissioners, or any of them to call or summon any Assembly of the Freemen or of the deputies or delegates of the Freemen of the said Province for the Giving of their advice Assent or approbation in any Laws to be made or published by his said Lordship within the said Province Provided also that each of the said deputies before he shall take upon him the exercise or execution of any of the Powers and Authorities hereby Given or Granted shall respectively take the Oath heretofore appointed by the said Lieutenant to be taken by the said Philip Calvert Ierome White and Baker Brooke formerly appointed Deputies of the said Lieutenant both by Sea and Land of the said Province of Maryland by Commission from and under the hand and Seal of the said Lieutenant before his departure from the said Province the same to be Administred unto the said Chancellor by the said William Calvert Ierom White and Baker Brooke who are hereby authorized to give and Administer the same and the said Oath to be administred to the said William Calvert Ierom White and Baker Brooke respectively which the said Chancellor is hereby Authorized to Administer accordingly and the said Lieutenant doth hereby revoke Annul and make Void one certain Commission by him heretofore formerly Given unto the said Chancellor Ierom White and Baker Brooke Constituting appointing or ordaining them his deputies of the said Province and all and every former and other Commission or

Liber A. M.

p. 12

Liber A. M. Commissions Authority and Authorities by him heretofore at
 P. 13 any time Given or Granted for the making Constituting appointing or ordaining any deputy or deputies for the exercising any the powers or Authorities herein Granted mentioned or Contained In witness whereof the said Charles Calvert Lieutenant as aforesaid hath hereunto set his hand and Seal this nine and twentieth day of Iuly in the eight & thirtieth year of his Lordships Dominion over the said Province Annoq Domini 1670

Charles Calvert [Sealed,]

P. 33 By Virtue of an Order from the right Honble the Lord Proprietary bearing date the 21st day of March last past you are to deliver the Seal of Ann Arundell County to Samuel Chew Esq^r of the said County one of his Lordships for this Province and the Said Samuel Chew is hereby impowered to receive and keep the same Given under our hands and Seals this first day of August 1670
 To M^r Thomas Taylor Gent
 of Ann Arundell County

P. 34 August the first 1670

Ordered by the Deputy Lieutenants
 That Richard Tilghman Sheriff of Talbot County Nathaniel Styles Sheriff of Baltimore County Major Ingram Sheriff of Kent County Thomas Stockett Sheriff of Ann Arundell County and Randall Revell Sheriff of Somerset County appear at the house of Thomas Cosden at New town in the County of S^t Marys there to make up their Accounts with M^r Thomas Notley Receiver General for the honble Charles Calvert Esq^r and to bring a List of what Tythable persons are within their several Counties and also to bring with them their Rent Rolls with Copies thereof fair written by the first day of September next

P. 35 August the 1st 1670

Commission then issued to William Stevens Gent to be Coroner of Somerset County with the Oath

Eodem die

Commission issued out to Charles James and George Uty to be Coroners of Baltimore County with the Oath

C Baltimore

Cecilius Absolute Lord & Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore to all to whom
 P. 38 these presents shall come Greeting Know ye that we reposing

special trust and Confidence in the fidelity and Circumspection Liber A. M.
in our dear Nephew William Talbot Esq^r have given and Granted
and for us and for us and our heirs & Assigns do by these pres-
ents Give and Grant unto the said William Talbot the Office of
chief and principal Secretary of our said Province of Maryland p. 39
and of all & singular our dominions and Territories there-
unto belonging and of the Custody and keeping of the Seals
Records and Registryes of the said Office of chief and principal
Secretary and of all other the Acts Ordinances Records and
Journals & Registeries of our said Province Dominions and
Territories and of the Entrings Recording enrolling Registring
exemplifying and keeping of all and singular the Acts Ordi-
nances and Pattents Grants Journalls Records and Registries
made or to be made within our said Province dominions and
Territories thereunto belonging and him the said William Talbot
we do by these presents make Ordain and Constitute our chief
and Principal Secretary of our said Province of Maryland and
of all and singular our Dominions and Territories thereunto
belonging and Keeper of the Seals Records and Registeries of
the said Office of Chief & Principal Secretary and Keeper and
Register of all and singular the Acts Ordinances Records
Journals and Registeries made or to be made within our said
Province dominions & Territories or thereunto belonging To
have hold Occupy Possess Enjoy & Exercise the said Office of
chief and principal Secretary and Keeper of the Seales Records
Journals and Registries of the same And Keeper and Register
of all and Singular the Acts Ordinances Records Journalls and
Registeries made or to be made within our said Province
Dominions and Territories or thereunto belonging and the said
William Talbot by himself or by his sufficient deputy or
deputies by him in the several Places Counties and Courts of
our said Province dominions and Territories to be appointed
during our Pleasure We do also Give and Grant for us our
heirs and Assigns unto the said William Talbot for the
Exercise and execution of the said Office and Offices all
and singular the fees duties and Regards unto the said
Office & Offices or any of them belonging or appertaining
To hold Enjoy perceive Receive and take the same unto p. 40
the said William Talbot together with the Office & Offices
aforesaid during Our Pleasure either by his own hands or
the hands of such as he shall Appoint And further we do by
these presents for us our heirs and Assigns Constitute and
appoint the said William Talbot our Iudge for the Probat of
wills and Granting of Administrations in our said Province
dominions with full Power and Authority to issue out Commis-
sions and process in our name and to hear Sentence and
declare all matters touching wills Administrations and Invento-

Liber A. M. ries and also the Incidents Emergencies and dependences thereupon and to make and appoint Registers & other Officers in relation to the Probate of wills and Granting of Administrations in all Counties and places within our said Province Dominions and Territories Giving and by these presents Granting & we do hereby for us our heirs and Assigns Give and Grant unto the said William Talbot all & singular the fees duties & Regards unto the Iudge or Office of Probate of wills and Granting of Administrations within our said Province dominions or Territories Belonging or Appertaining and all Rights Priviledges Iurisdiccions preheminences Commodities profits Advantages and Emoluments whatsoever unto the Iudge or Office of Probate of wills and granting of Administrations in our said Province Dominions and Territories in any wise belonging or Appertaining To have hold enjoy perceive Receive and take the same unto the said William Talbot together with the said Office of Iudge of Probate of Wills and Granting of Administrations during our pleasure And likewise we do by these Presents for us our heirs and Assigns . Constitute and appoint the said William Talbot to be our Publick Notary and to be the publick Notary of our said Province and to use and Exercise the Office of a Publick Notary within
p. 41 our said Province and to use and exercise the Office of a Publick Notary within our said Province and dominions as fully and as Absolutely to all Intents and Purposes as any publick Notary may or can lawfully use and exercise the Office of Publick Notary in the place or places where he is Constituted publick Notary Giving and by these presents Granting And we do hereby for us our heirs and Assigns Give and Grant unto the said William Talbot all and singular reasonable fees duties profits and perquisites usually belonging or appertaining to the Office of Publick Notary to have hold Receive and take the same unto the said William Talbot together with the said Office of Publick Notary during our pleasure Given under our hand and seal at Arms this seventh day of August in thirty ninth Year of our Dominion over our said Province Annoq Dom 1670/

On the back side of the Pattent above written were these Words endorsed viz^t

7th of November 1670

Memorandum this day at a Court held at Mattapany in the presence of Charles Calvert Governor of Maryland Philip Calvert Chancellor, William Calvert & Baker Brooke Privy Councillors William Talbot was Sworn Secretary Iudge of Probate of Wills and publick Notary of the Province of Maryland and one of his Lordships Privy Council

Instructions from the right honble Cecilius
Absolute Lord and Proprietary of the Provinces
of Maryland and Avalon Lord Baron of Balti-
more &c^a

Liber A. M.
p. 50

To his trusty and dearly Beloved Nephew William
Talbot Esq^r his chief Secretary of his Lordships said
Province of Maryland

1st His Lordship doth hereby authorize and Require you
that as often as you see Occasion you put the Lieu^t General
Chancellor Council Counsellors Iudges Iustices and all other
his Lordships Officers of the said Province in mind to observe
and execute all such Powers Instructions and Authorities as
have been given or shall from time to time be given by his
Lordship unto them Iointly or severally and to perform their
duties in their several and Respective Offices and places of
trust

2 That you be strict and Carefull in examining the truth of
all pretences of such as apply themselves unto you to enter
their rights to Land and that you diligently weigh and Con-
sider their allegations and unless you be very well Satisfied of
the truth of them upon your own knowledge or something
very Notorious that you do require due proof to be made of
them to the end you may be fully satisfied that the same rights
have not been formerly allowed and made use of and that no
rights or Conditions of Plantation be allowed but to such have
just Right unto them his Lordship doth require you to make
strict search in relation to all such Rights claimed before you
make any Allowance of such rights

3 That you take care to enquire after Escheats of Land and
hereditaments Escheated or forfeited to his Lordship by any
ways or means whatsoever and the same to cause to be so
entred upon Record there that all such Pattents of forfeited
Lands may Evidently Appear and be known at first sight to
be Escheated or forfeited by prefixing some short memo-
randums or note thereof over the head or margent of the said
Pattents upon record as aforesaid

4 That you also Cause the said Escheated Lands as afore-
said to be entred in another place of the Records together by
themselves in due Order mentioning the names of those Lands
the quantity of Acres they Contain together with their bounds
and the County and place where they lye and the time of
their Escheat and forfeitures

5 That you Cause the same to be likewise entred in every
respective County Court where such Escheat Lands shall
happen to be Seized into his Lordships hands and that you
Cause from time to time notice to be Given to his Lordships
Surveyor General and his Deputies of such escheated and

Liber A. M. forfeited Lands to the end no survey of any of the said Lands may be made by any of them for any other Persons and that you permit no Grants for his Lordship of such Lands to pass your Office without particular warrants or Instructions given or to be given by his Lordship to that purpose under his Lordships hand and Seal at Arms entred or to be entred upon Record in your Office there and that you send his Lordship a true Copy of the Record Attested under your hand of such Lands as are Already and shall hereafter be from time to time escheated or forfeited to his Lordship

6 That whereas his Lordship has heretofore Given several Instructions to his Governor and Surveyor General there to Cause two Mannors at least to be reserved in every County of the said Prov^s for his Lordships use each Mannor Containing at least six thous^d Acres of Good Land to be reserved in Convenient places and so to be forthwith entred upon Record there in the Secretaries Office of the said Province his Lordship doth hereby will and require you to make strict Search
 p. 52 into all and every the said Records of the said Office and to take special Notice and Recognizance of what mannors are already so reserved entred upon Record and to send his Lordship a true Copy of the said Records attested under your hand of such Mannors as are already Reserved as aforesaid as you shall find entred upon Record there in the Office

7 That in Case you find any part of his Lordships said Instructions therein not hitherto observed or performed you do then immediately acquaint the Governor and Surveyor General therewith or any other of his Lordships Officers there to whom the speedy Redress of such faults do belong and that you do often mind them and press them to put the same in Execution and that you send his Lordship Notice from time to time what is or shall be done therein

8 That you use all Possible means to find out all such Lands or Mannors as having been formerly Reserved for his Lordships Use are not as yet entred upon Record or if they be are notwithstanding imperfectly entred for want of distinct names and Bounds assigned unto them or the quantities of Acres they maintain you are therefore in such Cases hereby required to Cause all such Mannors reserved for his Lordships use to be named bounded and the quantity of Acres they Contain to be ascertained by his Lordships Governor and Surveyor General or his deputy or deputies there and to be entred upon Record in your said Office and to send a true Copy of all such Records of the said Mannors unto his Lordship attested under your hand and likewise to give his Lordship particular notice from time to time of their Proceedings as well as your own therein

9 That you cause diligent search to be made into all Con- Liber A. M.
cealments of any of his Lordships Rents or other yearly incomes p. 53
there and that you give notice thereof unto his Lordship & and
unto the Governor for the speedy Redress and prevention of
such Evil Practices and that you make a General and perfect
Rentall of all his Lordships said Rents and put the same upon
Record in your said Office and to send his Lordship a true
Copy thereof under your hand

10 That you Cause all Rents which shall from henceforwards
be Reserved unto his Lordship upon Grants of Land there to
any person or persons for the future to be from time to time
entred and added in due Order in the said Rental upon Record
and that you send his Lordship Notice from time to time of all
and every such New Additions of Rent to the end his Lord-
ship may Cause the same to be also entred and added in the
aforesaid Copy which shall be Sent to his Lordship of his said
Rentall

11 That you take special notice and Cognizance of all Fines
which Accrue or any ways become due to his Lordship upon
Account of Alienations or otherwise and also of all Fines and
Amerc^{ts} due to his Lordship in any of his Courts there and
of all other his Ldshps fines in General whatsoever and that
you keep an exact Catalogue or List of all such fines and
Amercm^{ts} and enter them upon Record in your Office and that
you send his Lordship a true and perfect Copy thereof At-
tested under your hand once a year at least

12 That you do likewise from time to time send his Lord-
ship a true Copy under your hand of the Journalls of such
General Assemblies as shall from this time forwards during
your Continuance in your said Office be Called or Convened
there and that you send his Lordship true Copies from time to
time of all and every such Laws as shall be hence forwards
passed there in the said General Assemblies Given under his
Lordships hand and Lesser Seal at Arms the 8th day of Sep-
tember 1670

C: Baltimore

September 16th 1670

P. 35

Commission for the Peace in the County of Charles County
by Order from the Deputy Lieutenant

| | |
|-----------------|----------------------|
| Henry Adams | } Gent of the Quorum |
| Thomas Mathews | |
| John Stone | |
| Francis Pope | } Gent Commissioners |
| Zachary Wade | |
| Joseph Harrison | |
| James Lindsey | |
| Humphry Warren | |
| John Bowles | |

P. 36

Henry Bonner Clk

Liber A. M. Maryland ss^t

At a Council held at the City of S^t Marys
the 19th day of September 1670

Present

| | |
|----------------------------------|----------------------|
| Philip Calvert Esq ^r | } Deputy Lieutenants |
| William Calvert Esq ^r | |
| Baker Brooke Esq ^r | |

Was taken into Consideration the publick Levy and upon Consideration had of the several Lists returned by the Respective Sheriffs it was doubted a true List of the Tytheables were not returned in regard that in the same Counties the number of Titheables were decreased since the last year although the was notoriously known that great numbers of Servants were last year sold in those same Counties and likewise for that in other Counties the number of the Tythables is returnd to be the very same as the last year

p. 37 Wherefore Ordered that the several and respective Constables in the several and Respective hundreds within this Province do make their several and respective Returns of the Tythables in their hundreds by them last taken as they were by them taken to their respective County Courts at the next County Court after publication of this Order in the several and respective Counties of this Province and that upon oath & that the several and respective County Courts do under their County Seal Close Sealed up return the several and respective returns of the several and respective Constables to the Deputy Governors & Council by the second tuesday in december next or to the right Honble the Lieutenant General if he shall so soon arrive

November the 9th 1670

An Oath for the Chief Clerk of
the Office

I Thomas Cabewood do swear that I will be true and faithful in all things unto the right honble Cecilius Lord Baron of Baltimore true and absolute Lord and Proprietary of this Province of Maryland and all and singular the dominions Islands and Territories thereto belonging and to his heirs and Assigns Lords and Proprietaries of the same I will at all times do perform execute and exercise all and every the Office and Offices Power Authorities Comm^{ds} Orders and directions relating to the Office and Offices Given and Committed or to be Given and Committed unto me by Charles Calvert Esq^r his Lordships Lieutenant or chief Governor for the time being or by his Lordships or any lawful Power or authority had or derived from his said Lordship I will truly endeavour faithfully

and Carefully to preserve and keep all the Records of or Liber A. M.
belonging to the said Province or his said Lordship and which
shall come into my hands and properly belong unto all or any
the Office or Offices and to my care and Custody so long as
the same shall be by his Lordships Chief Governor for the time
being permitted to Remain in my Custody I will not fraudu-
lently or wilfully raze deface alter change or Imbezzle or cause
or procure to be fraudulently or wilfully razed defaced altered
changed or Imbezzled the said Records or any of them I will
truly and faithfully keep the Lesser Seal of the Province so long
as the same shall be permitted by his Lordship or his chief p. 38
Governor for the time being to Remain in my Custody and
will not directly or indirectly use permit or suffer the same
to used Contrary to my duty and trust reposed in me by
Charles Calvert Esq^r his Lordships Lieutenant and chief Gov-
ernor for the time being I will keep a true and fair Record of
all such things as I shall be required to enter in the Secretaries
Office Provincial Court Businesses or Council I will in all
things and upon all Occasions do Right to all manner of People
both Poor and rich without favour or Affection hatred or
Malice to any Person or Persons whatsoever

So help me God and by
the Contents of this Book

Memorandum that the Ninth day of November Anno 1670
the within mentioned Tho^s Cabewood took the within specefied
Oath before me

William Talbot Esq^r

These are to Authorise and require you to call together this p. 41
pres^t month of december four or more of the Commissioners
of your County with the Clerk whom you are hereby required
to impower to sit as a Court and during their sitting by Virtue
of your Office to make or Cause to be made publick Procla-
mation thereby giving notice to all the freemen of your said
County who are within the said County Visible seated Planta-
tions of fifty Acres of Land at the least or Visible personal
Estates to the Value of forty Pounds Sterling at the least p. 42
requiring them to appear at the next County Court to be
holden for the said County at a Certain day in the month next
following after such Proclamation made for the election and
Choosing of Deputies and Delegates to serve for your said
County in a General Assembly shortly after to be called by
special writ at which time and place according to the said
Proclamation the said freemen so required to appear or the
Major Part of such of them as shall thereupon appear shall
and may and are hereby Authorized and required to elect and
choose four several sufficient freemen of your said County

Liber A. M. each of them having a visible seated Plantation of fifty Acres of Land at the least or a Visible personal Estate of Forty Pounds Sterling at the least within your said County and you shall Give Authority to each of them severally and Respectively by four several and respective Indentures under their hands and seals to be deputy and Delegate for your said County and to appear and serve as Deputy and Delegate for your said County at the next General Assembly in case he shall be thereunto summoned by a particular writt for that Purpose to be directed to him from the Lieutenant General of this Province for the time being and to do and Consent to those things which then by the favour of God shall there happen to be Ordained by the Lord and Proprietary or his said Lieutenant with the advice and Consent of the Great Council of the said Province concerning such Occasions and Affairs as shall Relate to the Government State and defence of the said Province which said Indentures shall be between you the Sheriff on the one part and the said freemen electing on the other part and shall bear date the same day upon which the said Election shall be made and shall mention the time and place of such election and the Person so Elected and Shall be signed and Sealed each part of them as well by the said Sheriff as by the said freemen by whom the said Election shall be

p. 43 made and that upon such election you the said Sheriff shall so soon as Conveniently may be certify and transmit to the Chancellor of this said Province for the time being one part of the said several and respective Indentures close sealed up under Your hand and seal and directed to the Lieutenant General of this said Province and also to the said Chancellor and the other part of the said Indentures you the said Sheriff are to keep for your Iustification Given under my hand and Seal this 18th day of December in the 39th Year of the dominion of Cecilius &c Annoq Domini 1670

[Plantations on the Delaware.]

p. 47 Maryland ss^t

By the Honourable the Governor
and Council

Whereas the Right Honourable Cecilius Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c^a hath by his instructions bearing date at London under his hand and Seal the 21st day of March 1669 Commanded us to publish and declare to all People that shall have a desire to seat on the seaboard side on the Eastern Shore or on Deleware Bay within the fortieth Degree of Northerly Latitude and particularly at the whorekill his Lord-

ships Conditions of Plantation to all such as shall transport themselves as aforesaid which is as followeth viz^t Liber A. M.

Any Person of British or Irish descent who shall desire to seat themselves in any of the Places last mentioned shall take up there upon Credit any quantity of Lands or number of Acres not exceeding three hundred to any one Person and every such Grant for such Number of Acres shall be particular and by it self and so as there be Reserved unto his Lordship and his heirs upon every such Grant the Yearly Rent of one Shilling Sterling for every fifty Acres of Land so to be Granted as aforesaid and also all Royal Mines and so as every such Grant so to be taken up and Granted upon Credit as aforesaid be made and Granted upon Condition to be Void in Case the Grantee and Grantees to whom the same shall so be made and Granted his or their heirs or Assigns respectively do not or shall not within four years to be accompted from the day of the date of such Grant or Grants respectively bring in or import into the said Province to reside or Continue there one person of British or Irish descent for every fifty Acres so to be Granted upon Credit as aforesaid and make sufficient proof of such of such bringing in and importation of every such Person signed and Sealed with the Seal of my Office by order from the honble the Governor and Council this 23^d of December 1670
by me William Talbot Secretary p. 48

William Talbot Esq^r Principal Secretary of Maryland to William Stervens and James Weedon of the County of Somerset in the Province of Maryland Gent whereas the right Honble Cecilius Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c^a hath by his Instructions under his hand and Seal Bearing date at London the One and twentieth day of March 1669 required and Enjoyned the Governor and Council of this Province to use their utmost Power for the Seating and inhabiting of the Seaboard Side on the Eastern Shore and on Deleware Bay within the fortieth degree of Northerly Latitude and particularly at the Whore kill and for that his said Lordship hath by his Commission under his hand and Greater Seal at Arms Empowred me for the granting of such warrants as also for the proving of all rights that shall become due to any Person either by transporting himself into this Province of Maryland to inhabit or by serving his time here in this Province either by my self or my sufficient deputy or deputies and very well knowing that it will be more Ease to the Inhabitants of the County of Somerset if they can have such Conditional warrants granted them in the said County as also their right either for transportation or Service proved in the said County and not p. 43

Liber A. M. be put to the Trouble of Coming over to my Office at the
 p. 44 City of Saint Marys therefore as well in Obedience to his
 said Lordships instructions and to advance the seating and
 settling of the places aforesaid as desiring the Convenience of
 the Inhabitants of the said County of Somerset and being
 very well Assured of your Care Fidelity and Circumspection
 & faithfulness have deputed Constituted and appointed you &
 either of you Jointly and Severally my deputies for the proving
 rights to Land and Granting warrants thereon to all such
 Persons as shall take up Lands in the County of Somerset
 aforesaid and the whole Seaboard Side on the Eastern Shore
 according to his Lordships Instructions aforesaid and you or
 either of you under either or both your hands to direct to any
 Surveyor for the laying out of such Lands as by the said
 warrants shall be Enjoyed you reciting under each warrant
 that you shall so sign that it is by my Order and Appointment
 and also that you shall make all such warrants returnable at
 my Office at the City of Saint Marys aforesaid and also that
 you or one of you shall keep a fair Book of all Entries of such
 warrants as afores^d or of such rights proved before you as
 aforesaid of which as oft as Conveniently you may you shall
 transmit a Copy over to my said Office there to be Recorded
 and shall Charge no Fees belonging to my Office for such
 entries or warrants as afⁿ to have and to hold the said Power
 and Authority for doing and performing the same to you the
 said William Stevens and James Weedon and either of you
 Jointly or severally during Pleasure Given under my hand
 and Seal of my said Office the 23^d day of December in the
 39th Year of the Dominion of Cecilius &c^a Anno Domini
 1670

Charles Calvert Esq^r Lieutenant General & chief Governor
 of the Province of Maryland To Iames Weedon of the County
 p. 45 of Somerset in the said Province Gent Greeting Whereas the
 right honourable Cecilius Absolute Lord and Proprietary of
 the Provinces of Maryland and Avalon Lord Baron of Balti-
 more &c^a hath by his Commission under his hand and Greater
 Seal at Arms deputed and appointed me his Lieutenant Gen-
 eral and chief Governor of this said Province and Given me
 full Power and absolute Authority upon any Emergent Occa-
 sion to Constitute and appoint any Officer Civil or Military
 within this Province as to me should seem expedient and for
 that his said Lordship hath by his instructions of the 21st of
 March 1669 required my self and Council to use our utmost
 endeavours for the seating and inhabiting of the Seaboard Side
 on the Eastern Shore and on Deleware Bay within the fortieth
 degree of Northerly Latitude and particularly the Whorekill

and for that Ierom White Esq^r Surveyor General of this Province is at present absent from the Province and although the said Surveyor hath taken Care to depute Thomas Stockett of Ann Arundell County Gent Deputy Surveyor General to act in his absence with as full Power And Authority as if he were personally present yet Considering the Remoteness of the said deputy Surveyor Generals habitation from the Office whence Commissions to deputy Surveyors ought to issue and the present necessity and want that there is of a deputy Surveyor both in the County of Somerset and on the Seaboard Side on the Eastern Shore &c^a and in Obedience to his said Lordships Instructions for the speedy seating of the said places & reposing Especial trust and Confidence in your ability Skill and Circumspection the Art of Surveying in the laying out of Lands and Running out of Lines have and by these presents do Authorise depute Constitute and Appoint you the said James Weedon to be a deputy Surveyor in as full and ample manner as any other Deputy Surveyor is at present in this Province and to Execute all Warrants that shall Come to your hands either from myself the Secretary for the time being or other Officer Empowred to Grant Warrants for the Surveying of Land or running out of mens Lines as aforesaid Provided that you shall not exact more than one half of the fees Profits and Perquisites arising Coming or in any manner by the said Office of deputy Surveyor accruing or becoming due and the other half pay or Cause to be paid to the said Surveyor General or his Assigns and also before you shall Execute the said Office you shall take the Oath of a deputy Surveyor before William Stevens Gent whom I have appointed to Administer the same to you and also enter into Bond to the Surveyor General to be Accountable for half the said Profits as afores^d Given under my hand and the lesser Seal of the said Province of Maryland the 24th day of december in the 39th Year of the dominion of Cecilius &c^a Annoq Domini 1670

Liber A. M.

p. 46

Copy of the Oath and Bond sent according to the Tenor of the abovesaid Commission

Charles Calvert Esq^r Lieutenant General and chief Governor of the Province of Maryland to William Stevens of the County of Somerset in the said Province of Maryland Gent whereas by a Commission under my hand and Seal bearing date the 24th day of December in the 39th Year of the dominion of Cecilius &c^a Annoq Domini 1670 for the Reasons and Considerations therein specified I have deputed and appointed Iames Weedon of the said County of Somerset Gent a deputy Surveyor in as full and ample manner to use and exercise the said Office as any other now in the Province by Commission

Liber A. M. from the Surveyor General can or may do and Considering the Remoteness of the said James Weedons habitation from the Office where deputy Surveyors are usually sworn have thought fit and do hereby impower you to administer the Oath of a deputy Surveyor according to the form here under written to the said James Weedon for the use of the Surveyor General
 p. 47 and the time of his taking of the said Oath and the said Bond so signed and Sealed as aforesaid you transmit to me by the first Opportunity and for your so doing this shall be your warrant Given under my hand and lesser Seal of the said Province of Maryland the 24th day of December in the 39th Year of the dominion of Cecilius &c^a annoq Domini 1670

p. 48 At a Council held at Mattapenny the 19th
 day of Ianuary in the 39th year of the dominion
 of Cæcilus &c^a Annoq Domini 1670

Present

Charles Calvert Esq^r Lieu^t Gen^l and Governor
 Philip Calvert Esq^r Chancellor
 William Talbot Esq^r Secretary
 & William Calvert

Then was Edward Fitzherbert Esq^r sworn one of his Lordships Council for this Province and took his place accordingly

Then also was Thomas Cabewood Gent Chief Clerk of the Provincial Court and Secretaries Office for some misdemeanors by him Committed dismissed from the said Employments and Robert Ridgely sworn to execute the same vide oath fol (26)

At a Council held at Mattapenny the 20th
 of Ianuary in the 39th Year of the Dominion of
 Cecilius &c^a Annoq Domini 1670

Present

p. 49 Charles Calvert Esq^r Lieutenant General and Governor
 Philip Calvert Esq^r Chancellor
 William Talbot Esq^r Secretary
 William Calvert &
 Edward Fitzherbert Esq^{rs} }

Whereas the Ship William of Dover Edward Maynard Master was upon the eleventh instant seized upon by the honble W^m Talbot Esq^r Secretary upon suspition of trading Contrary to the acts of trade and Navigation and a Citation was then issued to the said Edward Maynard Master of the said ship to appear at a Court of Admiralty to be held at the City of Saint Marys the 16th of February next by himself or his Procurator to make his defence to the information that

would be then and there exhibited against the said Ship for the breach of the said Acts and whereas Complaint hath been made by the said Edward Maynard to the Board here that Several Persons that are indebted to him several quantities of Tob^o within this Province since the seizure of his said Ship hath (when he hath demanded his debt of them) pretended that if the said Ship should be forfeited their Tobacco may be so too and that they Cannot safely pay it to him but that it may if the Ship be forfeited be demanded again of them to the great damage of the said Edward Maynard and of his Employers the Board taking the Premises into serious Consideration have thought fit to declare unto all Persons whatsoever whom it shall or may Concern that although the said Ship should be forfeited as Prize the said Edward Maynard hath good right to ask demand and Receive all such Tobacco as shall belong to him or his Employers in this Province and that for the Breach of the said Respective Acts (if it should be proved against him the forfeiture lyes only upon the Ship and what is in her

Liber A. M.

Maryland ss^t

p. 56

William Talbot Esq^r Principal Secretary of the Province of Maryland to all Persons to whom these Presents shall Come sendeth Greeting in our Lord God Everlasting Know Ye that Whereas the right honble Cecilius Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c^e hath by his Commission under his hand and Greater Seal at Arms deputed Constituted and appointed me his Principal Secretary in the said Prov^s together with all Regards Profits Advantages and Perquisites to the said Office belonging and appertaining and whereas by the Inhabitants of the County of Somerset I am informd that several open Sloops and Boats do come from the Colony of Virginia into the said County and do trade with several Inhabitants of the same for Tobacco and other Commodities of the Growth and production of the same County and the same do export out of this Province without ever any Entry by them made of such Sloop (without a deck) or Boat that so trades in the said County Contrary to the Act of Parliam^t in that Case made and Provided and whereas I am further Informed by several of the Inhabitants of the said County that Several such open Sloops and Boats that come to trade with them as aforesaid rather then be put to the trouble of Coming to enter them said Sloops or Boats at my Office for entring of Vessels at Patuxent and the City of Saint Maries would discontinue their said trade with the said County which would be to their very Prejudice and I willing to do what in me lieth for the ease and Advantage

p. 57

Liber A. M. of the Inhabitants of the said County and reposing Especial trust and Confidence in the prudence honesty and Integrity of you William Stevens of Pocomoke in the said County of Somerset Gent have deputed Constituted and appointed you the said William Stevens to make entry of all such open Sloops & Boats as shall Come to trade as aforesaid and under your hand and Seal to give any such Sloop or Boat a License to trade in any part of this Province after having made entry with you of his said Sloop or Boat according to the said Act of Parliament and after he shall have paid to you his Port duties and other fees a discharge under your hand and seal to give but in the said License to trade as also dispatch to mention that it is by my Order and provided that any Clauses herein be not any ways Construed to Empower the said William Stevens to enter or Give a License to trade to any deckt Vessels whatsoever great or Small and saving also to my self all such Regards duties fees Profits and Perquisites as by the same shall lawfully Arise or Become due and you to be Accountable to me for the same and Every part thereof Given under my Seal of Office this first day of March in the 39th Year of the dominion of Cecilius &c^a Annoq Domini 1670/

p. 58 Charles Calvert Esq^r Lieutenant General and chief Governor of the Province of Maryland under the right honble Cecilius Absolute Lord and Proprietary of the said Province Lord Baron of Baltimore &c^a to all Persons to whom these presents shall Come Greeting in our Lord God everlasting Know ye that whereas John Lederer a Hamburger born but now Resident in Calvert County in the said Province of Maryland having formerly discovered several Nations of Indians to the Southwestward of this Province and requesting of me License to trade with them for Beavor and Otter Skins and also all other Sorts of Furs whatsoever that are to be procured amongst the said Indians these are therefore to License and Authorize the said John Lederer to transport out of this Province such Truck as he shall think most Convenient for the Trade of the said Indians and also to bring Back into the said Province all such Skins Furrs or other Commodities that he shall purchase (of the Naasones Askeneethees Oenokes, Sharberies, Queyonks, Waterees, Nuntaniekes, Mahokes Sarus, Rickahokons Wissackies and Usheryes or of any other Nations of the South West Indians) without Let or molestation by any person whatsoever and further to desire and require all Persons whatsoever that if the said John Lederer they shall happen to meet with either travelling towards the said Several Nations of Indians to trade with them or returning back to the said Province of Maryland to permit him to pass quietly

with such Commodities as he shall have with him without Let Liber A. M.
Obstruction or hinderance whatsoever Provided always that
this License to trade or any thing therein Contained shall not
extend to Empower the said Iohn Lederer to trade with any
of the Neighbour Indians or Borderers upon the said Province
of Maryland nor with any Nation of Indians that inhabit within
two hundred Miles of the said Province and further this License
to Continue in force for the space of fourteen Years from the
date hereof and no Longer Given under my hand and Lesser p. 59
Seal of the said Province of Maryland the fourth day of March
in the nine and thirtieth Year of the dominion of Cæcilius &c^a
Annoq Domini 1670

Locus Sigilli Charles Calvert Esq^r Captain General and chief
Governor of the Province of Maryland under the
Right Honourable Cecilius Absolute Lord and Proprietary of
the same Lord Baltimore &c^a to Baker Brooke of the County
of Calvert in the said Province of Maryland Esq^r Whereas
his said Lordship under his hand and Greater Seal at Arms
Bearing date the ninth day of September in the One and thir-
tieth Year of his Lordships Dominion over his said Province
of Maryland hath Constituted and appointed Ierom White Esq^r
to be his said Lordships Surveyor General of all and singular
his Castles Lordships Mannors Forests Chases Parks Mes-
suages Lands Tenements Woods Rents Revenues Possessions
and Hereditaments whatsoever within the said Province of
Maryland and also hath Granted unto him all Vails fees Re-
gards Advantages Profits and allowance whatsoever to the
said Office belonging or in any ways appertaining and whereas
the said Ierom White Esq^r hath for some time left this Province
and is at present in the Kingdom of England by which ab-
sence of the said Surveyor Generalls from this Province his
Lordships Business and the respective Business of divers of
the Inhabitants of this Province have been much Impeded and
Retarded both to his Lordships and their respective Prejudices
And whereas his said Lordship hath fully impowred me upon
any Emergent Occasion as I shall think fit either to suspend or
create new Officers in the said Province as to me shall seem
expedient and for the redressing the Grievances before Re-
cited and preventing of them for the future and and being very p. 60
well assured of your Care Honesty and Circumspection and
Great Skill Iudgment and Understanding in the Art of Sur-
veying and Laying out of Lands have thought fit and do here-
by empower you the said Baker Brooke to be his Lordships
General Surveyor of his said Province of Maryland in as full
and ample manner as the said Ierom White or any other
former General Surveyor by any Commission or Commissions

Liber A. M. from his said Lordship ever exercised the same together with all Fees Regards Vails Profits Perquisites and Advantages to the same belonging or in any ways appertaining To have and to hold the said Office of General Surveyor to him the said Baker Brooke or his sufficient deputy and deputies together with all Profits or advantages to the same belonging as aforesaid until his said Lordship his heirs or successors or Captain General for the time being shall signify his or their Pleasure to the Contrary Given under my hand and Seal at Arms this last day of March in the nine and thirtieth Year of his said Lordships dominion over his said Prov^s of Maryland Annoq Dom 1671

Charles Calvert

The same day was the said Baker Brooke Esq^r admitted and Sworn Surveyor Gen^l according to the Tenor of the abovesaid Commission

Cecilius &c^a to all Persons to whom these presents shall Come Greeting in our Lord God Everlasting Know yee that we reposing much trust and Confidence in the Care diligence and Integrity of Iohn Moll of the City of Bristoll in the Kingdom of England Merchant and willing to Comply with him in his Request and desire do hereby Give and Grant to him the said Iohn Moll Liberty License and Commission to trade with any the Inhabitants of this Province for any Beavers Furrs
p. 6^r Skins or any other Commodities whatsoever and to that end it shall be hereby Lawful for him the said Iohn Moll to pass on or through any River or Creeke or other Passage through any Part of this Province to trade for any such Commodities with any Indian or Indians without this Province and to export the same from time to time as he the said Iohn Moll shall think fit or Convenient Provided that if he the said Iohn Moll shall buy or trade for any Corn from any such Indian or Indians as aforesaid he do not export the same out of this Province without License first had and Obtained from our Lieutenant or chief Governor of this Prov^s Provided also that the said Iohn Moll pay unto us or our heirs the tenth part in weight or Value of all Commodities whatsoever so traded for either by himself or any Person intrusted by him and fulfil all Conditions as are expressed in that Act Concerning Trade with the Indians and do hereby Authorize and empower him the said Iohn Moll to take seize or suprise the person or Persons Boats Vessels or Truck of any trading in any part of this Province without License of us or our heirs or our or their Lieu^t or chief Governor for the time being and we do hereby will and require him the said Iohn Moll in Custody safely to keep the Persons

Boats Vessels or other truck of any person taken so trading without License until they shall be brought to a Legal trial before our Lieu^t or chief Governor of this Province for the time being and further we will that this our License to the said John Moll for trading with the said Indians shall Continue and remain in force for the space of two Years next ensuing the date hereof and not longer Given under the lesser seal of our said Province of Maryland this Eleventh day of April in the 39th Year of our dominion over our said Province Annoq Domini 1671 Witness our dear Son Charles Calvert Esq^r our Captain General and chief Governor of our said Province of Maryland

Liber A. M.

Maryland ss^t

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By his Excellency the General

I do hereby appoint Ioseph Weeks and Tobias Wells Gent to be Iustices of the Peace in and for the County of Kent & to do and execute all such things as are belonging to any Iustice of the Peace within this Province they first taking the Oath of Fidelity to the Right honble the Lord Proprietary of this Prov^s and the Oath of a Iustice of the Peace hereunder written which Oaths we do hereby Order and Appoint Henry Coursey Esq^r one of his Lordships Council to administer to them and further to Order and Appoint that in all Courts of Iudicature and other publick Business that the said Joseph Weekes be chief and Reputed to be the first in Commission and Chairman (unless one of his Lordships Council be present) Given under my hand and Seal at Arms this 18th day of April in the 39th Year of the Dominion of Cecilius &c^a Annoq Dom 1671

The Oath of a Iustice of Peace

I do swear that I will well and truly Execute the Office of a Iustice of Peace within the County of Kent according to my best Skill and knowledge so help me God and by the Contents of this Book

Sir William Talbot Baronet Principal Secretary of the Province of Maryland and also Keeper of all and singular the Records within the said Province and also chief Iudge for Probate of wills and Granting of Letters of Administration within the said Province to all Christian people to whom these presents shall Come Greeting in our Lord Everlasting Know ye that whereas the right Honourable Cecilius Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c^a hath by his Commission under his hand and Seal at Arms bearing date the seventh day of August in the nine and thirtieth Year of his said Lordships dominion over the said Province deputed Constituted and

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Liber A. M. appointed me his Principal Secretary of this Province together with the Keeping Enrolling Registering and Exemplefying of all Records Journalls Grants Patents &c^a within this Province also hath made and appointed me his Lordships chief Iudge for Probat of Wills and Granting of Administrations within this Province as also his publick Notary within this Province all which Offices to have and and Execute by my self or sufficient deputy or deputies & his said Lordship hath also Granted to me the said William Talbot all Profits fees Benefits or Advantages arising or becoming due by reason or means of the said Offices or Employments or any of them and it so hapning and falling out that I the said William Talbot have at present some urgent Occasions and Affairs in the Kingdom of England that Require my personall being there and therefore for the Execution of the said Offices and Places in my absence must depute and Authorize some fitting Person to do Negociate and perform the same and I Reposing especial trust and Confidence in the ability Honesty Care and Circumspection of Robert Ridgely of the County of Saint Marys in the Province of Maryland aforesaid Clerk have deputed Constituted and appointed and by these presents do depute Constitute and appoint the said Robert Ridgeley to be my Chief Clerk under me in all and every the said Offices and Employments and also

p. 66 Clerk of the Provincial Court & and Register and Examiner of the high Court of Chancery & also to keep in his Custody the lesser Seal of this Province and all things belonging to the said Places and Offices to me belonging or appertaining to be done by virtue of my said Commission in my absence I do fully hereby Authorize depute and appoint the said Robert Ridgely to do and perform the same in as full & ample Manner as I might or could do if I were personally present to do and perform the same hereby Giving and Granting unto the said Robert Ridgely my full Power whole strength and Authority to do and execute all Or any the premises as my sufficient deputy in my absence Provided that the said Robert Ridgely shall once in every month if demanded Give and Account to his Excellency Charles Calvert Esq^r of what Business or Businesses he shall do dispatch or negotiate in the said Employments as aforesaid and also in the doing and managing the same shall be wholly advised and take and Observe all the directions in the same that his said Excellency shall think fit to give him saving to my self all fees dues Perquisites vails Regards or profits that to the said Office or Offices or any of them in any wise shall Arise or become due yet Considering the trouble pains & care Incumbent upon the said Robert Ridgely in the Execution of the Place and Office aforesaid I do hereby engage to allow unto him meat drink and Lodging sufficient and

six thous^d Pounds of Tobacco yearly from the date hereof to be paid out of the dues or fees Received or to be Received by reason and means of the said Offices and Employments and also further the Liberty to sell vend and dispose of any County Clerks Place within this Province when they shall happen to be void by death absence Misdemeanors or otherwise and the said Ridgely to have the whole Profits of the same to his own proper Use excepting only the County of Saint Marys unto M^r James Thompson or his Assigns and to no other Person and further I do hereby declare that for the maintainance and Sallary of such Clerks as shall be necessarily employed by and under the said Robert Ridgley in and about the doing and Executing the Offices and Places aforesaid that besides what I have before Given and Granted to the said Rob^t Ridgley I will out of the fees arising from the said Places or otherwise be at the whole Charge In witness whereof I have hereunto set my hand and Seal this fifth day of Iune in the 39th Year of the dominion of Cecilius &c^a Annoq Dom 1671

Liber A. M.

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Instructions and Powers for Robert
Ridgley

Imprimis You are hereby Empowred and Required after my departure diligently to attend the management of all Business that shall Come to your hands to be dispatched by you as you are deputed and Authorized by me either as I am Secretary or Publick Notary of the Province or chief Iudge for Probate of wills not omitting at the signing of all Testamentary business to incert that you sign it by my Order and Appointment

Secondly You are to get the Books of fees ready early and deliver them to the several Sheriffs of the several and Respective Counties with an execution general at the end of each Book signed and Sealed by his Excellency

Thirdly You are hereby impowred to take the Proof of all such rights for Land as shall be Offered by any Persons demanding Benefit of his Lordships Conditions of Plantation hereby requiring you to admit of no rights unless by oath of the Party entring them it appears such rights are Originally due to them as Persons either transported by or Consigned that shall demand Benefit of the Conditions of Plantation & of this you must take a special Care from time to time

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Fourthly You must be Carefull to delay no man at such time when Business Ought to be done and suffer not the Clerk or Clerks under you to exact unlawfully upon any Person either for Expedition money or otherwise but readily dispatch Peoples business at times Convenient as Occasion shall require

Fifthly You are impowred to sign Letters of Administration

Liber A. M. to take the Probat of wills and sign warrants for Appraisers but in that and all other Business where any doubt or scruple shall Arise you shall apply your self wholly to his Excellency and strictly follow such Orders Rules or directions as he shall Give you in any Business whatsoever

Sixthly You shall once in every month wait upon his said Excellency and give him an account of all Business that shall be transacted by you and also pursue his Excellencys Commands as well in doing the Business of the Office as in giving him an Account of the fees or what else his said Excellency shall please to intimate to you

In witness whereof I have hereunto set my hand & Seal this fifth day of Iune in the nine and thirtieth year of the dominion of Cecilius &c^a Annoq Domini One thousand six hundred seventy one

William Talbot

Signed Sealed and delivered
in the presence of

G: Vansweeringen

William Brooke

Maryland ss^t

Locus Sigilli Whereas I did by a Commission under my
p. 69 Willm Talbot hand and Seal of Office bearing date the 23^d day of
december in the 39th Year of the dominion of Cecilius
&c^a Empower and Authorize you William Stevens and James
Weedon of the County of Somerset Gent jointly or severally
to prove rights to Land grant Conditional Warrants or War-
rants for Land upon rights proved before you or either of you
as aforesaid of your Proceedings in which affairs you were to
transmit an account and a Copy of what you had so done by
every Convenient opportunity and for that several Complaints
are made that Land hath by warrants by you or one of you
Granted been surveyed and the Certificates already returned
to my Office the persons Concerned in the same desiring
Pattents for the said Land but for that you negligently have
neglected to send over an Account of what rights have been
so proved before you and what warrants Granted it being now
upwards of five months since you had and Received the said
Commission these are therefore in the name of the right
Honble the Lord Proprietary to will & Command you and
either of you that you speedily transmit over to my Office an
Acco^t of all your transactions by virtue of the said Commission
and for the future wholly to forbear to act by Virtue of the said
Commission I hereby revoking and superseding the same to
all intents and purposes whatsoever of this you are not to fail
at your Perills Given under my hand and seal of Office this

sixth day of Iune in the 39th Year of the dominion of Cecilius Liber A. M.
&c^a Annoq Domini 1671

Maryland ss^t

Locus Sigilli Whereas I did by a Commission under my
will hand and seal of Office bearing date the first day
Talbot of March in the 39th Year of the Dominion of
Cecilius &c^a Annoq Domini 1671 Empower you William Ste-
vens of the County of Somerset Gent for the more Ease of
Undeckt Vessels and Open Sloops to enter them that should
Come to trade in the County of Somerset and to them upon
such entry with you made to give a License to trade with you
taking Bond According to Act of Parliament you being ac-
countable as well for the Lord Proprietaries duties as for my
fees to my self or Order and whereas you have returned into
my Office your entry of two Sloops together with their Bonds
and have given the said Sloops a discharge without Receiving
either the said lord Proprietarys dues or my fees thereupon to
me appertaining and for which said Port Duties of the lord
Proprietary as you were deputed by me I am liable to pay and
to be Accomptable for these are therefore to Certify to you
the said William Stevens as also to all others to whom these
shall or may Concern that I have wholly Superseeded and by
these presents do wholly superseede and make void the said
Commission by me to you Given for the Entry of all Undeckt
Vessels and open Sloops as aforesaid hereby Requiring and
Commanding you the said William Stevens not to Act by
Virtue of the same in any ways whatsoever for the future at
your Perill Given under my hand and Seal of Office this
sixth day of Iune in the 39th year of the dominion of Cæcilus
&c^a Annoq Domini 1671

Maryland ss^t

By his Excellency the General

Whereas the right honble the Lord Proprietary hath by his
instructions Commanded a fair Rent Roll to be made and per-
fected of all his Lordships Lands in this Province that are
taken up by any person whatsoever and of his said Lordship p. 70
held by virtue of any Grant or Pattent in the several Counties
within this Province and for that the right and Title of several
Parcells of Land is by several mean Conveyances vested and
settled in other Persons then those that were the first Pattentees
whereby the said Rent Roll cannot be perfected from the
Records

These are therefore in the name of his said Lordship to will
and Command you that you Cause a true and perfect Rent
Roll to be made of all and singular the Lands in your County

Liber A. M. and in whose possession they now are & distinguish them by Dr and Creditor and give them Credit that have paid and if they have not paid then to each piece of Land say (over against it) not paid and if there be no distress you shall likewise incert so over against the said Land you shall make a full Inquiry into all and singular the premises that you may be the better Enabled to make a Certain and Perfect Rent Roll which Rent Roll shall begin with the first Seated hundred in your County and so successively & the said Rent Roll and a true Copy thereof attested under your hand that you personally bring with you into the City of Saint Marys the first day of October next ensuing the date hereof and therein exhibite unto my self and Council who will be God willing then there to make a full Examination into his Lordships Rents and also give you such further Orders Instructions and directions touching both that and other his Lordships Affairs as to us shall seem expedient and also that you have then and there a true and perfect List of all and Singular the Tithables in your County attested under your hand & this Precept hereof you are not to fail as you will Answer the Contrary at your Perill Given under my hand and Seal this 30th day of Iune in the
p. 71 40th Year of the dominion of Cecilius &c^a Annoq Dom 1671

Maryland ss^t

The declaration of his Excellency the Cap^t Gen^l and Council Concerning the appointing of Certain places for the unlading and putting on shoar of Goods and Merchandizes brought into this Province set forth by special Command from the Right honble the Lord Proprietary of this Prov^c

Whereas we have Received express instructions and directions from the Right Honble Cecilius Lord Baltimore Absolute Lord and Proprietary of this Province of Maryland to make erect and Constitute within this Province such and so many Seaports harbours Creekes and other Places for discharging and unlading of Goods and Merchandizes out of Ships Boats and other Vessels in such and so many places and with such rights Iurisdictions Liberties and Priviledges unto the said Ports belonging as to us shall seem most expedient and that all and singular the Ships Boats and other Vessels which shall come for Merchandize and trade unto the said Province or out of the same shall depart shall be unladen only at such Ports and Places as shall be so erected and Constituted according to the Power and Authority to him the said Lord Proprietary by Letters Patent of his Royal Majesty King Charles the first of England &c^a Granted we having taken into Serious Consideration the said Instructions and directions so to us sent as afore-

said and well Weighing and Considering which may be fit and Convenient Places within the same Province for the Same do Ordain erect and Constitute these places hereafter mentioned to be Sea Ports Harbours Creeks and Places for discharg and unlading of Goods and Merchandizes out of Ships Boats and other Vessels and that no Ships Boats or other Vessels shall discharge or unlade any Goods or merchandizes in any other place or places within this Province whatsoever under the pains and penalties hereafter in this declaration mentioned and expressed that is to say at East Saint Marys in S^t Marys County at Guy Whites Land and at William Berries Land in Battle Creeke in Patuxent River in Calvert County at Charles Town in his Lordships Forest nigh Humphry Warrens in Wicocomico River and at the Land lately purchased by In^o England and Benjamin Rozer nigh Edmund Lindseys in Port Tobacco in Charles County At Richard Actons Land and at Herring Creeke in Ann Arundell County at the Land late of Thomas Samson in Bush River and at the Land late of M^r Hatton in Sassafrax River in Baltimore County at the Land of Jonathan Sybery at the Mouth of Wye River on the Eastern Side thereof at Corsica Creek in Chester River and at Tradaven Creeke in Choptank River in Talbot County at Morgans Plantation in Morgans Creek in Kent County at deep point at Randal Revels in Somerset County and we do hereby further order Ordain and declare that no masters of Ships Boats or other Vessels whatsoever Coming hither for Merchandizing or trade shall unlade or put on Shoar any Goods or Merchandizes whatsoever at any other place harbour or Creek within this Province until the said Goods or merchandizes have been first delivered or put on shore at the Ports aforesaid or some of them upon the penalty of suffering one whole Years Imprisonment without Bail or mainprize any Law usage or Custom to the Contrary notwithstanding and if any Master of Ships Boats or other Vessels Merchants or other Person or Persons shall sell to any Inhabitant of this Province any Goods or Merchandizes whatsoever otherwise then in this Ordinance or declaration is expressed that the Inhabitant or Inhabitants so buying the same may at his or their election refuse or deny Payment for the same and the Party so selling the same shall not have against the Buyer any Action of debt Accompt Trespass upon the Case or any other Action whatsoever in any of his Lordships Courts whatsoever within this Province but shall be utterly barred therefrom and all and every Person or Persons whatsoever are hereby strictly required and Comanded to yield their due Obedience unto this Ordinance edict and declaration as they will avoid the pains herein expressed mentioned and declared Given under the Great Seal of the

Liber A. M.

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Liber A. M. said Province of Maryland the thirtieth day of Iune in the fortieth Year of his Lordships Dominion over the said Province Annoq Domini 1671 Witness his Excellency Charles Calvert Esq^r Captain General and chief Governor of the said Province

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C: Baltimore

Cecilius Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c^a to all to whom these presents shall Come Greeting Know Yee that we reposing special Trust and Confidence in the Integrity and Abilities of our trusty and well Beloved Nephew Baker Brooke of Maryland Esq^r do by these presents Constitute and appoint him the said Baker Brooke to be our Surveyor General of all and singular our Castles Lordships Mannors Forests Chases Parks Messuages Lands Tenements Woods Rents Revenues Possessions and Hereditraments whatsoever within our said Province of Maryland and we do hereby also Grant unto him the said Baker Brooke all fees Perquisites Regards Advantages Profits & Allowances whatsoever unto the said Office belonging to or Appertaining as fully and Intirely and is as full & ample manner and form as any other of our Surveyor Generalls ever had held or enjoyed the same To have hold and Enjoy & Exercise the aforesaid Office by himself or his sufficient deputy or deputies with all things thereunto belonging during our Pleasure Commanding also and by these Presents firmly Enjoyning all and singular our Sheriffs and other Officers and Ministers and all other People within our said Province of Maryland that they be Assisting and Aiding unto him the said Baker Brooke his deputy or deputies in the Execution of the aforesaid Office from time to time as Occasion shall Require and becometh them to do Given under our hand and Greater Seals this first day of August in the fortieth year of our dominion over Maryland and in the year of our Lord God 1671

Locus
Sigilli

Instructions Given by the Right Honble Cecilius Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c^a to his trusty and well Beloved Nephew Baker Brooke of Maryland Esq^r his Lordships Surveyor General of the said Province of Maryland for the better Execution of the Surveyor Generals place there

Imprimis that he make diligent enquiry of all such Persons as have procured Grants of Lands to be passed to them without Survey thereof made by his Lordships Surveyor General or his Sufficient deputy before the passing thereof and if he

find any such that he Certify the same to his Lordships Lieu^t Liber A. M.
there and desire his Order to have such Land Surveyed by the
Surveyor General and in Case it be found that his Lordship
be wronged by any such Grant that he desire the said Lieu^t
to Certify the same

2 Item that he Survey no Land in the said Province to be
Granted by his Lordship to any person or Persons whatsoever
but by order from time to time from his Lordship or his Lieu^t p. 90
tenant of the said Province or such as he shall appoint

3 Item that he call Courts of Enquiry and Survey once
every year in all the several Counties of the said Province for
which he is first to demand of his Lordships Lieutenant an
Authority by a Commission in his Lordships Name under the
Great Seal of the said Province to enquire and Examine the
rights and Titles which any one Claim to any Lands in the said
Province and whether they possess more Land then their due
or whether they hold by any Lawful title from his Lordship
and what Rents and Services they ought to pay to his Lord-
ship that he enter the same in a Book and make two Copies
thereof one of which he is yearly to send to his Lordship and
the other he is to deliver to his Lordships Receiver General
there the better to inform him what Rents are due to his Lord-
ship

4 Item that he reserve for his Lordship all such places as he
shall find to be Convenient for the Building of Fortifications
and fortresses for the defence of the Country

5 Item that he take special Care that there be not Surveyed
for any Adventuror or Planter above fifteen Pole of the sides
of any Creeke or Rivers of the said Province for every fifty
Acres due to any such Planter or Adventuror by his Lordships
Conditions of Plantation or other warrant and so respectively
of Greater Proportions without special and express directions
from his Lordship to the Contrary and the rest to be laid forth
up into the inland Correspondent to that which each one hath
respectively on the water side according to the proportion
aforesaid that so Conveniency of Access to the water side be
preserved to every planter upon each of their respective Planta- p. 91
tions for the better Transportation of their Goods

6th Item that the Surveyor General take Care that according
to his Lordships former Instructions divers mannors in the
most Convenient Places of the said Province that is to say two
Mannors at least in each County of the said Province from
time to time (as occasion shall require) be laid out for the
particular use of his Lordship and his heirs and erected into
Mannors every of which mannors are to Contain six thousand
Acres of Land a piece at the least and the one sixth part thereof
lying all together in some one Convenient place of every such

Liber A. M. mannor respectively is to be reserved for his Lordships demesne and the rest to be disposed of as his Lordship or his Son and heir Charles Calvert Esq^r shall from time to time appoint

7 Item that he take Care that he do not survey or cause to be surveyed to or for any Person or Persons whatsoever any Lands of in or belonging to his Ldps Manor of West S^t Marys nor of any other Manors or Lands set out for his Lordships Use within the said Province without especial Warrant from his Lordship or his Son and Heir Charles Calvert Esq^r and their Hands and Seals at Arms respectively

8. Item that he take Care that he do not Survey or Cause to be Surveyed for any Person or Persons any Mannors or Lands formerly granted by his Lordship to any Person or Persons and which is or shall from time become afterwards escheated again or forfeited to his Lordship by any ways or means whatsoever unless his Lordship by especial warrant under his hand and seal at Arms Give Order for the Granting of such Respective Mannors or Lands to such Person or Persons for whom he the said Surveyor shall Survey the same Given under his Lordships hand and Lesser Seal at Arms the first day of August in the fortieth Year of his Lordships Dominion over Maryland in the year of our Lord God 1671

C: Baltimore

Underneath a Commission granted unto William Stevens and James Weedon of Somerset County Gent for proving Rights bearing date the 23^d day of December 1670 & Recorded folio 35 was thus written

p. 75 Maryland ss^t

Locus Sigilli By his Excellency the General

This Commission having been Superseeded by Sir William Talbot Baronet Secretary of Maryland for divers Reasons given to me that it is for his Lordships Service to Continue the same Ordered that the same be Continued and in force till further Order any superseeding thereof to the Contrary in anywise notwithstanding Given under my hand and Seal this sixth day of October 1671

Charles Calvert

p. 76 Charles Calvert Esq^r Captain General and chief Govern^r of our said Province of Maryland by virtue of an Act of Assembly of the tenth day of April Anno 1666 I do hereby Constitute & Appoint you Bryan Dayly of the County of S^t Marys Gent to be Coroner of the Lower Part of the said County of S^t Marys and to do and perform all such Acts and things as to the Office of a Coroner belongeth within the Lower part of the

said County you having first taken the Oath of Fidelity to his Lordship the Lord Proprietary of this Province and the Oath of a Coroner hereunder written before some Iustice of the Peace of the said County which you are Required forthwith to do Given under my hand and seal the 13th day of October in the 40th Year of the dominion of Cecilius &c^a Annoq Domini 1671

Liber A. M.

Charles Calvert

The Coroners Oath

You shall swear that you will well and truly serve the right Honble the Lord Proprietary of this Province and the People of the said Province as one of his Lordships Coroners of this County of S^t Marys and therein you shall diligently and truly do and accomplish all and every thing and things appertaining to your Office after the best of your Skill and Power both for his Lordships Profit and the good of the Inhabitants within the said County and be Content with the fees allowed by Act of Assembly in this Province

So help me God &c^a

Eodem die

The like Commission then issued unto Captain William Boarman and M^r Benjamin Sally to be Coroners for the upper parts of the County of S^t Marys

Eodem die

The like Commission issued unto M^r William Stevens of Little Choptank to be Coroner in Dorchester County

P. 75

Maryland ss^t

Locus Sigilli By his Excellency the General

I have thought fitt to add to your Commission W^m Wroughton Thomas Paddyson and Thomas Skinner of your County Gent to be Commissioners of your said County whereof William Wroughton to be of the Quorum the which Commissioners I do hereby Order and Empower you to swear according to usual form and to admit them in your County and County Court as his Lordships Commissioners and Iustices of Peace in the said County in as full and ample manner as any of you that are Constituted by Commission under the Great Seal of this Province and of this all Persons are to take Notice Given under my hand and Seal at Arms this 16th day of October in the fortieth Year of the dominion of Cecilius &c^a Annoq Domini 1671

Cha Calvert

To his Lordships Comms^{rs} of the
County of Dorchester or any four
of them }

Liber A. M.
P. 77

At a Meeting of his Excellency and Council
at Saint Marys the 22^d day of November 1671

Present

His Excellency Charles Calvert Esq^r
Captain General and chief Governor of Maryland
the honble { Philip Calvert Esq^r Chancellor
 { William Calvert
 { Edward Fitzherbert } Councillors

Upon the Petition of Elias Nuthall formerly presented to his Excellency one of the Sons of Iohn Nuthall late of St Marys County Gent deceased for that whereas the said Iohn Nuthalls Estate was Ordered upon the division thereof that if another Child of the said Iohn Nuthalls shall appear the said Child should have a part or portion of the said Estate equal to what the rest of the said Iohn Nuthalls Children had and the said Elias remaining a Servant in Virginia at this time the said Elias Craved that his said Childs part might be allotted him and that his freedom might be purchased out of it

It is by the Board Ordered that M^r John and James Nuthall and Thomas Sprigg Gent who married the daughter of the said John Nuthall deceased appear before his Excellency and Council at the City of St Marys the sixth day of december next and bring with them such Papers and Accounts as they have belonging to the estate of the said Iohn Nuthall deceased that
p. 78 his Excellency and Council hearing the Cause and when they know what was the true Value of the said John Nuthalls Estate they may take such Order in the premises as to Law and Iustice appertain

His Lordships Instructions touching his mannor of Choptico being perused and the Council being informed that Luke Barbor deceased and John Pyle Gent have both of them taken up Land Contrary to his Lordships said Instructions it is by the Board Ordered that a Scire facias issue to the Sheriff of Saint Marys County to make known to John Blomfield who married the Relict of the said Barbor and Luke Barbor Eldest Son of the said Barbor to appear before this Board on the sixth of December next to shew Cause (if any they have why the said Luke Barbors Grants of the said Land should not be Vacated upon Record and also to make known unto them that they bring with them all such Papers Patents and Escripts as they have in their Possession relating to the said Land

It was also Ordered that another scire facias issue to the said Sheriff to make known unto the above named Iohn Pyle that he be before this Board at the same time to shew cause &c^a and to bring with him (ut Supra)

The said two scire fac issued Accordingly

Ordered that the Clerk of the Council send to M^r Rousby ^{later A. M.} to Give him Notice to appear before the Board on the sixth of December next to inform the Board of his Request touching a parcell of Land Surveyed formerly for M^r Richard Collier by Richard Fennallen in Talbot County

The Board being informed that in a Certificate of Survey made by George Yates a deputy Surveyor in Ann Arundel County for one John Howellson the 17th of May 1670 there is a mistake in the said Certificate Viz it is said in the said Certificate beginning at a bounded Oak being the Northernmost Bounded Tree of a parcell of Land laid out for Gabriel Scott it ought to have been Gabriel Parrot & by the said Yates was so intended though mistaken Ordered that the said mistake be mended in the Patent and upon record by the Clerk of the Office

Then was delivered unto his Excellency and Council his ^{is} Excellencys warrant for the Surveying of the Ship John of Weymouth which followeth in these words viz

Maryland ss^t

Locus Signi. By his Excellency the Captain General Charles Calvert

Whereas William Harris Master of the Ship John of Weymouth and the rest of the said Ships Company have this day petitioned me for that whereas they shipped themselves on Board the said Ship at the Port of Weymouth in the Kingdom of England about twelve months since bound for this Province and meeting with stress of weather upon the Coasts of Virginia were forced to bear away for the Barbadoes where unloading their Cargo they anew Loaded with Barbadoes Commodities and Came for this Province and here Arrived the seventh day of August last past and Came to an Anchor in Patuxent River where the said Ship rideth to this day and for that the said Ship proving very leaky the said Master with the Carpenter and the Rest of the Company of the said Ship did unhang the Rudder of the said Ship which they found to be much eaten with the worms and making a Narrow Search into the sides and Bottom of the said Ship found her so eaten with the worm that they think her not fiting to go to Sea and being afraid to venture for Weymouth back in her have in their said Petition humbly besought me to grant an order to some Masters of Ships and their Carpenters to view the said Ship and make Report unto me if she be fiting to go to Sea or not

These are therefore in the name of the right honorable the Lord Proprietary to require and desire you William Harris Master of the Goods Ship the John and Margaret of Bristol and Robert Tjor Carpenter of Patuxent and William Trigo Master of the goods Ship the Ann and John of Bristol and W^m Fry at such

Liber A. M. time and day as you shall think Convenient within ten days after the date of thise to appoint to repair on Board the said Ship Iohn of Weymouth riding in Patuxent River aforesaid and her to view search and survey throughly and a Report under your hands and seals to return unto me how and in what Condition you find as well her Keel and Bottom as also the other Timbers and parts of her and whether you in your Judgment upon such search think she is fitting or with Convenient charge may be made fitting in this Country to undertake a Voyage for the said Port of Weymouth and if so then how much Charge will do it and a full Account of your Proceedings herein that you transmit unto me with all Convenient speed under your hands and seals as aforesaid on the backside of this my warrant and for your proceedings herein this shall be your warrant Given under my hand & lesser Seal of this Province the seventh day of November in the fortieth Year of the dominion of Cecilius &c^a Annoq Dni 1671

On the Back side of the said Warrant was thus Written viz^t
Whereas we William Harris Master of the Ship Sarah and Elizabeth of Bristol Robert Tyler Carpenter of the River of Patuxent William Trigo Master of the Ship Patience of Bristol Thomas Hall Masters Mate of the abovesaid Sarah and Elizabeth and William Balley Carpenter of the same ship
p. 85 have by virtue of this warrant Surveyed the Ship Iohn of Weymouth now riding in the River of Patuxent

We do find according to the best of our Iudgments that the abovesaid Ship Iohn of Weymouth have suffered much wrong by the worms of this Countrey both in the Keele as also in the Stem and Stern Post and other outward parts of the said ship insomuch that she is now incapable of performing her Intended Voyage and whereas by the said warrant we were required to give the best of our Iudgments as to what Expences may repair her our Opinions is that she will not be sufficiently repaired and made Capable to go home for Weymouth under the charge of three hundred Pounds Sterling or thereabouts if they get Conveniencys and workmen for the same which according to our Iudgments will not be Obtained in this Country and in Case such provision as abovesaid may be made and such Charge defrayed on the abovesaid Ship she being by us found to be very Old and much decayed in the inward parts of her we do declare that we cannot judicially say whether she may be Capable of performing her intended Voyage or be any ways Servicable to the Merchants or not Witness our hands and Seals the 24th day of November 1671

| | |
|-------------------------|-----------------------------------|
| William Harris [Sealed] | Robert Tyler [Sealed] |
| William Trigo [Sealed] | Thomas Hall [Sealed] |
| | Will ^m Bayley [Sealed] |

Upon reading the aforesaid warrant of his Excellency and Report thereupon and M^r Iohn Parker Merch^t of the said Ship being called and appearing before this Board it is Ordered that this Business be referred to the next Provincial Court and in the mean time that the said John Parker Cause the Seamen belonging to the said Ship to bring all the Rigging furniture and apparel belonging to the said Ship on Shore to such Place as the said Parker shall think Convenient to appoint and that the said Parker take the same into his Custody until further Order and that in the meantime the said Parker take a true and exact Account of all the Rigging furniture and Apparel of the said Ship and the same Exhibite to the next Court in writing under his hand

Liber A. M.

p. 86

At a Council held at the City of Saint
Marys the 6th day of December 1671.

p. 79

Present

His Excellency Charles Calvert Esq^r Captain
General and Chief Governor of Maryland
the honble { Philip Calvert Esq^r Chancillor
William Calvert & } Esq^{rs}
Edward Fitzherbert }

Iohn Williams and Robert Hontons Patents for Land under the Seal of Virginia being produced to the Board and it appearing since the running of the divisional Line between this Province and the said Colony that the several tracts of Land Contained in the said Patents are within this Province it is by this Board Ordered that the said Patents be kept by the Clerk of the Council and the Consideration of this matter referred until Another time

the Patents
put among
the Council
papers

Captain Daniel Ienifer informing the Board that he was Appointed by the Act of Assembly for the Keeping of the Standard for Saint Marys County and that he sent for weights measures and other things necessary for the same into England which are now come into this Province and that M^r Henry Neale by Virtue of an Order of the Iustices of the County Court hath taken the same into his Possession

His Excellency and Council have thought fit to Order that the Standard for Saint Marys County a^d be removed to the house of Captain Daniel Ienifer at the City of Saint Marys that he may keep the same according to Act of Assembly and further Ordered that the Sheriff of the County do see them brought down to the said Ienifers from M^r Henry Neals a^d with all Convenient speed

p. 80

Emanuel Ratcliffe who Intermarried with the Relict of William Black deceased a Sawyer who worked upon the Fort

Liber A. M. Petitioned this Board for pay due to the said Black in the hands of the Sheriff of Baltimore

It is Ordered by this Board that the Sheriff of Baltimore County do pay unto the said Emanuel Ratcliffe the Tobacco that remaineth in his hands due to the Sawyers that worked upon the Fort the whole sum at first allotted them being four thousand seven hundred and two pounds of Tobacco

And the Clerk of the Council is hereby Ordered before he deliver the Copy of this Order to the said Ratcliffe to take Bond of the said Ratcliffe and one sufficient security in the sum of Eight Thousand Pounds of Tobacco upon Condition that if any other Person shall afterwards appear that makes appear any right or Interest to any part of the said Tobacco allotted to the Sawyers as aforesaid that then the said Ratcliffe his heirs Ex^{rs} or Adm^{rs} shall satisfy such Person or Persons their just dues out of the same

The writt of scire facias directed to the Sheriff of St Marys County to make known unto Iohn Pile of Saint Marys County to appear this day before the Board to shew Cause why his Lordships Grant of Land to the said Pile in his Mannor of Choptico being taken up Contrary to his Lordships Conditions of Plantation should not be Vacated upon Record &c^a being by the said Sheriff returned Executed in the presence of Edward Clark and Ioseph Pile and the said Iohn Pile appearing before the Board this day and the Board having heard the Allegations of the said Pyle it is by this Board Ordered that another Scire facias issue to the Sheriff of Saint Marys County in the form of the former to make known to the said Iohn Pile to be before the Iustices of the Provincial Court on the Nineteenth day of december next to shew Cause (if any he have) there why his Grant aforesaid should not be Vacated upon record and also that then he come to tryal with his said Patent if in the Interim the said Pyle do not think fit to surrender up his said Patent and wholly stand to the Lord Proprietaries favour touching the same

The writt of Scire facias directed to the Sheriff of Saint Marys County to make known unto Iohn Blomfield who intermarried with the relict of Luke Barbor dec'd and Luke Barbor Son and heir of the said Luke deceased to appear here this day to shew Cause why his Lordships Grants of Land to the said Barbor deceased in his mannor of Choptico being taken up Contrary to his Conditions of Plantation should not be vacated upon Record &c^a being by the s^d shf ret^d executed in the presence of Henry Philips and Henry Taylor and the said Iohn Blomfield and Luke Barbor appearing before the Board this day and the Board having heard what Objections they Could make it is by

this Board Ordered that another scire facias issue to the Sheriff of Saint Marys County to make known to the said Iohn Blomfield and Luke Barbor to be before his Lordships Iustices of the Provincial Court on the nineteenth day of december next to shew Cause (if any they have) there why the Grants aforsaid should not be vacated upon Record Liber A. M.

Iohn Nuthall and Iames Nuthall Sons of Iohn Nuthall late of Saint Marys County decd and Brothers to Elias Nuthall now a Servant in the Colony of Virginia appeared here this day and did engage to the Board here that they would buy Elizabeth Bradshaw Servant unto william Claw of S^t of Saint Ieroms and will send her down into Virginia & endeavour to exchange her for their Brother Elias who remains a Servant as aforsaid and if his freedom cannot by her being sent down be procured then they will give more Tobacco & it is by the Board Ordered that all Reasonable Charges that they shall be at in freeing their said Brother they shall be allowed out of his Childs part p. 82

Captain Miles Cook petitioning this Board for his dues Granted him by the Lord Proprietary out of the money that was allowed for Salvage of the Saint George of Bautree

It is by the Board Ordered (the Attorney General being gone up the Bay) that Iohn Morecroft Gent be appointed and is by his Excellency and Council appointed his Lordships Sollicitor General and that the said Iohn Morecroft as Sollicitor General do take out a writt at his Lordships suite against Captain Iosias Fendall for the thirds of the Salvage of the S^t George of Beautree remaining in the said Fendalls hands at it is said

M^r Rousbys petition referred to the next Council day when he is desired to be present

Upon the petition of Elianor Caine Relict of Iames Caine late of Somerset County decd and Iohn Avery of the said County that a Parcell of Land called Caines Choice containing three hundred Acres patented in the name of the said James Caine the eleventh of Iune 1665 was not in the will and Testament of the said James Caine fully Conveyed to them according to the precise words of the Law his Excellency and Council having perused the said will & Testament of the said James Caine deceased it is the Iudgment of the Board that the Intention of the said Caine was to Convey the said Land to the said Elianor Cane her heirs or Assigns forever excepting the parcell sold out of it unto the aforsaid Iohn Avery and that the said will be Construed to all Intents and Purposes whatsoever for the Conveying of the said Land to the said Elianor p. 83

Liber A. M.
p. 86

the 13th December 1671

Robert Ellis Sworn by his Excellency Deputy Clerk of the Council

Maryland ss^t

By his Excellency the Captain
General

These are to Authorize and Impower you to make Entry and give a License to trade (first having taken Bond According to the Laws of this Province to any open Boat Open Sloop or undecked Vessel that shall come Either to trade or fetch Tobacco in the County of Somerset within this Prov^c and the same undecked Vessels to Clear and discharge upon payment of the Imposition money Port duties and Secretaries fees and the same discharge to sign in my name and also further to empower you in the said County of Somerset to ask demand require and receive the Imposition of two Shillings p hhd for every hhd of Tobacco that shall be Carried out or Exported out of this Province as also the Turnage and Secretaries fees for every such Vessel as you shall so enter and Clear and further to require you that you look diligently that no Tobacco
p. 87 be Carried out of the said County but that the the duties thereof are paid according to Act of Assembly I hereby allowing you as a Reward for your Care pains and trouble ten p^r Cent out of the said Imposition Money Tonnage and Secretaries fees you to be Accountable and make Payment of the Remainder to me upon demand Provided always that you presume not to enter or Clear any decked Vessel whatsoever to have and to hold the said Office of Collector of the Imposition Money Port duties and Secretaries fees during Pleasure Given under my hand and seal the 25th day of December in the 40th Year of the Dominion of Cecilius &c^a Annoq Domini 1671

To M^r Thomas Walker Gent }
high Sheriff of the County of } Charles Calvert
Somerset these }

On the Back side of the foregoing Commission
was thus written

Instructions to be Observed and followed by Thomas
Walker Collector of Somerset County

You shall Cause every such Undecked Vessel that shall Come to enter with you to enter into two Bonds with security that is to say the Bond of Navigation and the Bond of two shillings p hhd and also into one Bond for the Master of the

or Assigns trading with any Indians as aforesaid we do hereby Liber A. M.
Authorize and Impower the said Thomas Iones his Agents
Factors or Assigns to take seize or Suprize the said Person or
Persons so trading as aforesaid together with their Ship or
Ships Boats Vessels or Truck or any Skins or furr's Clandes-
tinely had or purchased and them to keep in safe Custody
until they shall be brought to a Legal Tryal before our chief
Governor of this Province and further we do hereby Command
and require all Persons within our said Province upon pain of
their Fidelity they owe unto us that they be aiding and assist-
ing unto the said Thomas Jones his Agents Factors or Assigns
in the taking siezing securing or apprehending of any Person
or Persons or their Ships Sloops or Boats trading as aforesaid
Contrary to our will and Pleasure herein before expressed and
further we do hereby Give and Grant unto him the said Thomas
Iones License to enter and Clear any Ship Vessel Sloop or
Boat that shall without our License ride Anchor or be within
the Liberties of our said Province near at or Adjoyning to the
Whorekeil aforesaid or Sea board Side and the said Ship Sloop
Boat or other Vessel whatsoever so lying within the precincts
of our said Province and refusing to make entry with the said
Thomas Iones accordingly the same Vessel so refusing to seize
in our name with all her Guns Tackle furniture and Ammuni-
tion and Apparel and the same in safe Custody keep till Order
about the same shall be taken by our Governor of our said
Province and lastly we will that this our Commission and
License to trade with the Indians to the said Thomas Iones his p. 95
Agents Factors or Assigns Continue & Remain in force from
the date hereof one year and thirty days and during Pleasure
after without being accomptable to us or or our heirs for the
Profits Seizures &c^a for the term of one whole Year and thirty
days after the date of this our said Grant Commission and
License Given at our City of Saint Marys under the Great
Seal of our said Province of Maryland the 20th day of April in
the 40th Year of our Dominion over our said Province Annoq
Domini 1672 Witness our dear Son Charles Calvert Esq^r our
Captain General and chief Governor of our said Province of
Maryland

Cha: Calvert

Maryland ss^t

p. 98

By his Excellency the Cap^t Gen^l

These are in the name of the right honble the Lord Pro-
prietary to Constitute and appoint you Daniel Brown of
Worcester County Gent to be high Constable of the said
County during our Pleasure and also to Command and
Empower You to Execute all such writs process or precepts

Liber A. M. as shall be directed to you either out of the Provincial Court or Worcester County Court or from any of the Commissioners of the said County and to make due return of the same as by the same you shall be Commanded to have and to hold the said Office of high Constable of the said County of Worcester until I shall appoint a Sheriff there and for your proceedings in and upon the same this shall be your warrant Given under my hand and Seal at Arms this 19th day of Iune in the 40th Year of the dominion of Cecilius &c^a Annoq Dom 1672

To Daniel Brown of
the County of Worcester
Gent

Cha: Calvert

[Erection of Worcester County.]

Cecilius Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c^a to all our
p. 99 Inhabitants within our County of Worcester in our said Province of Maryland Greeting in our Lord God Everlasting Know ye that whereas his most Excellent Majesty of Blessed memory Charles the first by the Grace of God King of England Scotland France and Ireland defenders of the faith &c^a did by his Letters Pattents under the Great Seal of England Bearing date the 20th day of Iune in the 8th Year of his Majestys Reign Annoq Dom 1632 Grant unto us this Province of Maryland According to the Bounds in the said Letters Pattents mentioned and expressed wherein his said Majesty of Blessed memory specifieth the Bounds of our said Province to extend to the Sea Board side and Delaware Bay to the fortieth degree of Northerly Latitude and for that we have in our instructions several times to our Lieutenant and Council and more particularly in our Instructions bearing date the one and twentieth day of March One thousand six hundred sixty nine Commanded Our Lieutenant and Council to use their utmost endeavours for the seating of the said Sea Board side on the Eastern Shore the Whore keil and Deleware Bay to the fortieth degree of Northerly Latitude according to the bounds mentioned in the said Letters Patents afore recited and for that we are informed that Several Persons are seated there without our Leave or License or without the Leave or License of our Captain General of our said Province and we having erected that part of ours^d Province Beginning at the Southermost Branch of a Bay now called Rehoboth Bay and from thence running Northerly up the Sea Board side to the South Cape of Deleware Bay and thence to the Whore keil Creeke and up the Bay to the fortieth degree Northerly Latitude into a County and do hereby erect the same into a County and it is our will

said Vessel Singly to be bounden for to be Obedient to the Liber A. M.
Laws of this Province.

You shall demand an invoice of all such Goods and Merchandize they import into this Province the which with the Bond of Navigation you shall transmit to the Secretaries Office at Saint Marys

When you have taken Bond of them as aforesaid you shall give them a License to trade signed by your self in my Name

When they Clear with you you must Receive of them

| | |
|--|-----------|
| For their License to trade | 100 p. 88 |
| For their Bond of Navigation | 60 |
| For their Bond of Good Behaviour | 60 |
| For their Bond of Imposition | 60 |
| For their Invoice & Recording | 114 |
| For every Passenger 12 or | 12 |
| For every hhd of Tobacco 2 ^s or | 24 |
| For every tun their Vessel is 14 ^l or | 14 |
| For their discharge | 100 |

Which when they have paid to you either in moneys or Tobacco or other Goods you may give them their discharge and likewise give them up their Bond for the Imposition Money and their single Bond for their good Behaviour

Charles Calvert

An Ordinance of his Excellency Charles Calvert p. 92
Esq^r Captain General of this Province and the
honble Council set forth and Published agst
the transporting of Sheep or Lambs dead or alive
out of this Province

Whereas the wisdom of former Assemblies have thought fit to Prohibit the Exportation of Wool out of this Province Considering the great good that would arise from the spinning of it and making Cloathing for our selves never suspecting that any Inhabitant of this Province would so far forget the General Good of the Country as to attempt the Importation of the Stock of Sheep then being or at any time then after to be in this Province for the prevention of the said mischief for the future be it Ordained by his Excellency the Captain General and Council that what Person so ever after this instant Eleventh day of April shall export or ship on Board any Boat or Vessel with Intent to export out of this Province any Sheep or Lambs dead or alive or shall Command Council advise Contrive Assist or Abett the Exportation of any Sheep or Lambs dead or alive out of this Province shall suffer Imprisonment for one whole Year without Bail or Mainprize and afterwards find

Liber A. M. good and sufficient Surety for his good Behaviour for and during the space of seven years then next ensuing Giving under the Great Seal of this Province the Eleventh day of April in the fortieth year of the Dominion of his Lordship over this Province Annoq Dom 1672

Cecilius &c^a Know yee that we Reposing Especial trust and Confidence in the Care Diligence Honesty & Integrety of
 p. 93 Thomas Iones of our County of St Marys in our said Province of Maryland Merchant and for divers other especial Causes and Considerations us hereunto Moving do hereby Give and Grant unto him the said Tho^s Iones Liberty License and Commission to trade with any the Indian Inhabitants of this Province for any Beavors furrss Skins or other Commodities whatsoever let the said Indians reside on the Seaboard Side the Whorekeil on on the Western Side of the Bay or in other place within the precints of our said Province and for the more Encouragement to the said Thomas Iones to go on throroughly with the said Trade we do hereby Grant unto him the said Thomas Iones Liberty and License to pass upon or through any River or Creeke or other passage or way through any part of this Province to trade for any such Commodities with any Indian or Indians without this Province and to export the same from time to time as he the said Thomas Iones shall think fit or Convenient Provided always that if the said Thomas Iones shall purchase of any Indian or Indians any Corn he do not export the same out of this Province without a License for the same be first Obtained by the said Thomas Iones from our Governor of our said Province & Also further Provided that he doth fulfil all the Conditions that are expressed in a certain Act of Assembly of this Province entituled an Act Concerning Trade with the Indians and for the Greater forwarding the said Trade and further Encouragement to the said Thomas Iones fully to undertake the same do by these Presents revoke anull and make void all Commissions Lycenses or permits whatsoever that have been Granted by my self or my Governor of my said Province to any Person within or without my said Province for the said Indian Trade wholly hereby Giving Granting and Confirming the said Indian Trade with all Profits Immunities and Benefits thereof to him the said Thomas Iones his Agents Factors and Assigns by these presents and to no
 p. 94 other persons whatsoever but if notwithstanding this our Grants of the sole Indian Trade of our said Province unto the said Thomas Iones any person or persons shall either under Colour of License or Commission being still in force or otherwise after thirty days are expired from the date of these presents be found by the said Thomas Iones his Agents factors

as often as you shall think Convenient to muster and train so that they may be in a readiness as occasion shall require to attend such Commands as you shall from time to time receive from my self or his Lordships Lieu^t or chief Governor of this Province for the time being with fitting Arms and Ammunition for the purpose aforesaid to have and to hold the said Office & Command till the Lord Proprietary or his heirs or his or their Lieutenant or chief Governor or Captain General for the time being shall signify his or their Pleasure to the Contrary and all Persons whatsoever are hereby strictly Charged and Required to yield all due Obedience to you the said Captain Thomas Iones in all in all things appertaining to the Command and Office hereby conferred on you as they will answer the Contrary at their perill Given under my hand and seal at Arms this 20th June in 41st Year of the dominion of his said Lordship Over his said Province of Maryland Annoq Dom 1672

Liber A. M.

p. 98

Maryland ss^t

p. 100

By his Excellency the Captain
General

These are to Empower and require you Captain Paul Marsh to raise and Muster such a Party of Men as shall be desired of you by Captain Thomas Iones Commander of the forces in Worcester County and with him the said Captain Jones to go unto the said Worcester County with your said Party of men and all Enemies that shall be shewed you by the said Captain Jones to encounter fight with Overcome and destroy or take Prisoners and them to secure and them to secure also to require you to press men Horses Provisions Ammunition and all other things necessary for this design & an Account of your Proceedings herein that you render unto me by all Opportunities and for your said Proceedings this shall be your sufficient warrant Given under my hand and seal at Arms this Eleventh day of Iuly in the 41st Year of the dominion of Cecilius &c^a Annoq Dom 1672

p. 101

| | |
|---------------------------|---------------------|
| To Captain Paul Marsh of | } Cha: Calvert |
| Somerset County these | |
| For the Lord Proprietarys | |
| Service | |

Locus Sigilli

Maryland ss^t

By his Excellency the Captain
General

These are to Authorize and Empower you Captain Thomas Iones of Somerset County to make entry of all Undecked Vessels open Sloops and Boats that shall Come at any time to

Liber A. M. trade in Somerset County and to them to give a License to trade and of them to take Bonds according to Acts of Parliament and Assembly in that Case provided and the same Vessels to Clear and discharge and receive the Imposition Money Port duties and Secretaries fees for the entry and Clearing of every such Vessel and for the same to be Accountable and make Payment unto me or my Assigns upon demand provided always that you presume not by virtue of this to enter or Clear any decked Vessels whatsoever and always Provided that you Return unto me with all Convenient speed
p. 102 the several Bonds of Navigation You shall take from the respective Vessels you shall so enter and Clear as aforesaid I hereby allowing you for your Care and Pains in the execution of the Premises ten p^r Cent Out of the Imposition money Port duties and Secretaries fees Given under my hand and Seal at Arms this 11th Iuly in the 41st Year of the dominion of Cecilius &c^a Annoq Dom 1672
To Captain Thomas Iones }
high Sheriff of Somerset }
County These } Locus Sigilli

Cha Calvert

July 12th 1672

Letters of denization issued under the Great Seal of this Province unto Mary Mills Daughter of Peter Mills of Saint Marys County

Maryland ss^t

Whereas his Excellency the Captain Gen^l hath Erected the Horekeil and Seaboard side into a County by the name of Worcester County and there being no Clerk as yet appointed for the Attending of the Commissioners of the said County and Keeping the Records thereof and Sir William Talbot Baronet Principal Secretary of Maryland having empowred me fully for the deputing and Empowring all Clerks within this Province and being willing that the publick Business should not in any manner of ways be retarded or delayed for want of a Clerk and my self being wholly unacquainted with the Inhabitants of those Parts do hereby Authorize and Empower you Thomas Jones Gent one of the Iustices of the same County to depute & Appoint such Person as to you shall seem meete
p. 103 to be Clerk of the same County until I shall signify the Contrary under my hand and Seal and to the same Person that you Administer the Oath of Clerk hereunder written and present him to the Iustices of the said County the first Court they hold as their Clerk and for your proceedings herein this shall be

and Pleasure that it shall be a County and called by the name of worcester County in our said Province of Maryland & we have appointed as well a Commander of the forces in the said County for the Supression of all Tumults Insurrections or insolencies Committed in the said County against our Peace as also Courts of Iudicature for the administring of Iustice within the said County and other Officers and Ministers necessary and fit to be Ordained and deputed in a County and further we do hereby declare unto all the Inhabitants of the said County that we will take them under our Government & that we will to the utmost protect and defend them as we are bound to do all other the good People inhabitants of our said Province and to show how much we value those persons that shall endeavour to seat themselves in our said County of Worcester our said Instructions of the one and twentieth of March One thousand six hundred sixty nine will sufficiently manifest and to shew our further good will to the Inhabitants of our said County and to prevent their Travelling to Saint Marys to the Secretaries Office to prove their rights and take out warrants for Land we have to that End and Purpose empowered Francis Ienkins an inhabitant and resident in the said County to do and perform the same in the said County witness our self at our City of Saint Marys the nineteenth day of Iune in the fortieth year of our dominion over our said Province one thousand six hundred seventy two

Charles Calvert Esq^r Captain General and chief Governor of this Province of Maryland under the right honble Cecilius Absolute Lord and Proprietary thereof to all Persons to whom these presents shall come Greeting in our Lord God everlasting Know yee that whereas the right Honble Cecilius Absolute Lord and Proprietary of this Province as aforesaid hath by his Instructions under his hand and seal at Arms bearing date at London the one and twentieth day of March 1669 Required & Enjoyned me and the Council of this Province to use our utmost Endeavours for the Seating and Inhabiting of the Seaboard Side on the Eastern Shore and on Deleware Bay within the fortieth Degree of Northerly Latitude and particularly at the Whorekill and for that his Lordship hath erected these parts into a County Called by the Name of Worcester County and for that it will be a great Trouble and Charge to the Adventurors and Seaters of the said County to Come to the Secretaries Office at the City of Saint Marys to prove their rights to Land to them due According to his Lordships Conditions of Plantation and take out Warrants upon the same and I reposing special trust and Confidence in the Care fidelity and Circumspection of you Francis Ienkins of the s^d County of Worcester Gent have deputed empowered and Authorized and

Liber A. M.

p. 100

p. 95

p. 96

Liber A. M. by these presents do depute Empower and Authorize you the said Francis Ienkins to take the Proof of all such rights to Land as shall be demanded by any Person in Worcester County aforesaid. Be it due by time of Service or Transportation and to the said Persons to Administer an Oath upon the holy Evangelists for the due Proof of the same and to grant Warrants to the Surveyor for the Laying out thereof and also to grant warrants upon Credit to any Person Inhabitant or intending to inhabite in the said County of Worcester for three hundred Acres of Land to each Person according to his Lordships instructions of the said One and twentieth day of March 1669 also that you keep a fair Book of all such Rights before you proved or such Warrants thereupon or otherwise by you Granted a Copy of which as oft as Conveniently you may you shall transmit to the Secretaries Office at the City of St Maries to be Recorded and also shall Charge no fees belonging to the Secretary of this Province for the time being for such your proving allowing or entring such Rights or issuing Granting or Recording such warrants for Land as aforesaid to have and to hold the said Power and Authority for doing and performing the same to you the said Francis Ienkins during Pleasure Given under my hand & seal at Arms the 20th day of Iune in the 41st year of the dominion of his said Lordship over Maryland Annoq Domini 1672

Charles Calvert

p. 97 Charles Calvert Esq^r Captain General of all the Forces within this Province of Maryland under the right Honble Cecilius Absolute Lord and Proprietary of the same to Thomas Iones of the County of Worcester in the said Province Gent Greeting according to the Power to me by his said Lordship Committed and upon the special trust and Confidence I have in your Fidelity Circumspection Courage and good Conduct and also Skill and Iudgment in the Art of war and discipline Military I do hereby Constitute Ordain and appoint you Captain under me of all the forces horse and Foot that are or shall be in the said County of Worcester and them to muster exercise and train up in the Art of War and discipline military and in all things to do as a Captain and Commander in chief ought do do to the Resistance of all Enemies whatsoever suppression of all mutinies Insurrections and Rebellions whatsoever according to such Orders directions and Instructions as you shall from time to time Receive from me or his Lordships Lieutenant or chief Governor of this Province for the time being and to that end to list such and so many of the Inhabitants within the said County as you shall think fit and to appoint your under Officers out of them and them when and

your warrant Given under my hand and Seal of Office this Liber A. M.
12th day of July 1672

Rob^t Ridgely Cler Cur Provin

To Mr Thomas Iones one
of his Lordships Iustices of } Locus Sigilli
Peace for Worcester County }

The Oath of Clerk

You shall well and truly serve the right Honble the Lord Proprietary in the Office of Clerk of the County Court of Worcester County during such time as you shall Continue Clerk there a true and exact Account you shall keep of all Business that shall be Transacted in the said County due and Legal process you shall issue and no other true Copies of such Records you shall Give attested under your hand and in all things as Clerk of the said County you shall well and truly behave your self without favour or Affection hatred or malice to any person whatsoever

So help you God &c^a

Maryland ss^t

By his Excellency the Captain
General

Whereas there is two Shillings a hhd to be paid to the Right honble the Lord Proprietary for every hhd of Tobacco of the growth of this Province that shall be carried out of the same by such Person or Persons that shall transport the same as by an act of Assembly for that purpose (relation being being thereunto had) more at large doth appear and forasmuch as I am p. 104 informed that several Persons Contriving fraudulently to deceive the said Lord Proprietary of the said Imposition of two shillings p hhd do carry several Considerable quantitys of Tobacco up to the head of the Bay and thence transport the same by Land into deleware River and never make Payment of the Imposition aforesaid but defraud his Lordship thereof and whereas his Lordship hath appointed me his Receiver General of this Province as well to receive that Imposition money as other his Lordships dues by my self or Officer appointed for that purpose and I reposing especial trust and Confidence in the honesty and Integrity of Thomas Carleton Gent high Sheriff of the said County do hereby Authorize and Empower the said Thomas Carleton to be his Lordships Collector of the said Imposition money under me for all such Tobacco as shall be transported by the head of the Bay into Deleware River and the said Imposition money of all Persons that transport Tobacco the way aforesaid to Receive and in case of their Refusal to pay

Liber A. M. him, to proceed as the said act of Assembly doth empower his Lordships Collector by way of Seizure or otherwise Provided the said Captain Carleton shall twice in every Year at the least render me an Account what he shall Receive as aforesaid and this Power to Continue in force to the said Carleton until I shall signify the Contrary under my hand and no longer Given under my hand and Seal at Arms this 23^d day of October in the fourty first Year of the Dominion of Cecilius &c^a Annoq Dom 1672

To all persons whom this }
shall or may Concern }

p. 108 Maryland ss^t

By his Excellency the Captain
General

These are in the name of the right Honourable the Lord Proprietary to license and Authorize Captain Tho^s Iones to trade with any Indian or Indians at the Seaboard Side or Eastern Shore of this Province that is to say in the Counties of Somerset Dorchester Talbot Baltimore and Worcester for any Skins furs or truck whatsoever Provided they Obey and Comply with the Act of Assembly of this Province touching Indian trade and for his so doing this shall be his warrant Given under my hand and seal at Arms this fourteenth day of december in the One and fortieth year of the dominion of Cecilius &c^a Anno Domini 1672

p. 109 To all persons whom this }
shall or may Concern }

An Ordinance of his Excellency Cha Calvert Esq^r
Captain General and chief Governor of this Province of Maryland and the honble Council Set forth and published for redressing the several misdemeanors of Deputy Surveyors within this Province

Forasmuch as heretofore there have been many Complaints by several of the Inhabitants within this Province against deputy Surveyors of divers wrongs and Injuries that they have suffered by such deputy Surveyors that have misdeigned themselves in execution of their Office to the great Prejudice of the said Complainants and for that they have so long many times delayed their Seeking for remedy to such their Grievances that either the Person that so injured them hath been dead or gone out of the Province for the prevention of the like inconveniences for the future be it Ordained by his Excellency the Captain General with the advice of his Lordships Council that

every Person that is any way damaged or injured by any Surveyor within this Province if he do not begin to seek for Reparation for the Same within six months from the date hereof either by his Action at Law or otherwise the said Person so injured shall be left Remediless against such Surveyors and be it also further Ordained that if at any time hereafter that any Person whatsoever shall be injured or damaged as aforesaid by any Surveyor as aforesaid that the said Person begin to seek Reparation for the injury and Prejudice that he hath so received from any Surveyor within six months time after the said Injury or Prejudice is done him or the said Person so suffering Injury or Prejudice as aforesaid to be left wholly remidiless for the same and the Sheriff of each particular County within this Province is hereby Comanded to publish this Proclamation at the three next County Courts in his County whereof he is Sheriff & to Affix a Copy thereof upon the door of the house where the Court of such County is kept Given &c^a

Liber A. M.

p. 110

Maryland ss^t

p. 105

By his Excellency the Cap^t
General

Locus Sigilli
Cha Calvert

These are in the name of the right honble the Lord Proprietary to License and Authorise Peter Groenendyck Merchant to trade with any the Christian or Indian Inhabitants of the Counties of Somerset Dorchester and Worchester within this Province for any furs Skins or other truck usually traded for with the Indians and the same to transport and sell at his Pleasure Provided that he Obey and Comply with the Act of Assembly touching Indian trade and if in the mean time that is to say whilst this License remains uncalled in the said Peter shall find any Person actually trading (without lawful License under my hand and seal first had and Obtained) with the Indians of the County aforesaid their truck and furs to seize According to the said Act of Assembly Provided he bring what he shall so seize to a legal trial before the Iustices of the Provincial Court Given under my hand and seal at Arms this sixteenth day of december in the 41st Year of the dominion of Cecilius &c^a Annoq Dom 1672

Maryland ss^t

By his Excellency the Captain
General

Locus Sigilli
Cha Calvert

These are in the name of the right honble the Lord Proprie-

Liber A. M. tary to License and Authorize Harman Cornellinson Merchant to trade with any of the Indian or Christian Inhabitants of the Counties of Somerset Dorchester and Worcester within this Province for any Furrs Skins or other Truck usually traded for with the Indians and the same to transport and sell at his Pleasure Provided that he Obey and Comply with the Act of
 p. 106 Assembly made touch^s Indian trade and this License to Continue in force one whole Year and no longer and in the mean time if he the said Harman shall find any person trading Actually without License with the Indians of the Counties aforesaid their Truck and fursr to seize according to the said Act of Assembly Provided he bring what he shall so seize to a legal trial before the Iustices of the Provincial Court Given under my hand & seal at Arms this 16th day of December in the fourty first year of the Dominion of Cecilius &c^a Annoq Domini 1672

p. 107 Maryland ss^t

By his Excellency the Cap^t
 General

Whereas Complaint hath been made unto me by Thomas Kerey of Somerset County Planter that the said Kerey transporting himself and family out of Virginia into this Province to inhabit and for that reason had due unto him rights for three hundred Acres of Land and you having at that time power to prove rights and Grant warrants & Survey Land the said Kerey applied himself to you for the same and having in solemn manner proved such his rights before you and also found out a parcell of Land untaken up at that time did employ you to survey the same for him which you accordingly perform'd & he paid you for your doing the same and the Records for Land having been duly searched no such rights nor Certificate of Survey can appear and also whereas the said Kerey also Complains that you told him that his rights and Certificate were upon record and received also pay of him for the Pattents though the rights nor Certificate was never entered to the great damage and utter ruin of the said Kerey Contrary to the trust reposed you and the Oath you took at that time when you received your Commission to be a deputy Surveyor

These are therefore in the name of the right honble the Lord Proprietary to will and Command you Geo Johnson of Somerset County that all Business set apart & all Excuses
 p. 108 ceasing you be and and personally appear before me and the rest of his Lordships Iustices of the Provincial Court at the City of S^t Maries the eleventh day of February next to answer

such your misdemeanors and not to depart the Court without Liber A. M.
License hereof you are not to fail as you will Answer the
Contrary at your Perill Given under my hand and seal at
Arms the seventeenth day of december in the 41st Year of the
dominion of Cecilius &c^a Annoq Dom 1672
To George Iohnson of } Cha: Calvert
Somerset County }

You are hereby Ordered and Commanded to see that the
Above named Geo Johnson be duly Served with the above-
written Warrant Given under my hand die & Anna Supra
dictis
To Captain Thomas Iones } Cha: Calvert
high Sheriff of Somerset }
County }

Maryland ss^t

p. 107

By his Excellency the Captain
General

Cha Calvert

Whereas the right honble the Lord Proprietary under the
Great Seal of this Province did Constitute and Appoint you
Henry Smith of Somerset County Gent one of his Lordships
Iustices of Peace in the said County of Somerset as also in the
County of Worcester and his said Lordship having Given me
full Power and Authority to supersede and suspend any person
from Executing either that or any other Employment in this
Province at my Pleasure and you having desired of me in open
Court to be eased of the great trouble of the said Employ-
ments they much impeading and hindering you in the Execu-
tion of your other Affairs and being willing to Comply with
you in such your request do hereby Order and Command you
to forbear acting as a Iustice of Peace in either of the Countys
aforesaid for the future at your perill in the same manner as if
you had never had any such Commission from his Lordship
Given under my hand and seal at arms this eighteenth day of
December in the 41st Year of the dominion of Cecilius &c^a
Annoq Dni 1672

To Henry Smith of the }
County of Somerset Gent }

Maryland ss^t

p. 110

By his Excellency the Captain
General

(Locus Sigilli)

Forasmuch as John Litchington Master of the Ship Mary of
London when he made entry of the said Ship did procure Gar-
rett Vansweeringen of the City of S^t Marys Inn holder to be

Liber A. M. his security as well for his payment of the Imposition and Port duties for such Tobacco as he should transport out of this Province as also to be bound with him according to the Act of Parliament for encrease of Shipping and Navigation and for that Iohn Quigley Partner with the said Garret hath this day on the behalf of the said Garret inform'd me that the said John Litchington hath absented himself from the said Ship and is gone into Virginia and as he supposes intends to have the Ship brought thither after him and so never intends to Clear in this Province whereby the said Garret Vansweerengen may come to be liable to the penalty of the Bonds entred into by him only out of Kindness to the said Litchington which Bonds are for twelve hundred Pounds Sterling and should the whole penalty come to fall upon the said Garret it would be to his utter ruin for the speedy prevention whereof these are in the name of the right honble the Lord Proprietary to will and Command you immediately to go on Board the said Ship
p. 111 and to seize and secure the said Sayles & them cause by the men of the said Ship to be Carried to such Place as you shall think Convenient and there them safely keep until further Order from me Given under my hand and seal at Arms the eighth day of January in the 41st Year of the dominion of Cecilius &c^a Annoq Domini 1672
To the Sheriff of Saint Marys }
County or his deputy } Char^s Calvert

Maryland ss^t

By his Excellency the Cap^t
General

These are to license Francis Hill of Saint Georges hundred in the County of Saint Marys Planter to keep an Indian to fish and hunt for him in any part of the said hundred and for his doing this shall be his warrant Given under my hand and Seal at Arms this 8th day of January in the 41st Year of the Dominion of Cecilius &c^a Annoq Domini 1672
To all Persons whom this }
shall or may Concern } Cha: Calvert
Locus Sigilli

An Ordinance of his Excellency Charles Calvert Esq^r
Captain General and chief Governor of this Prov^t of Maryland and the honble Council set forth and published for the setting and establishing of a ferry Boat to be Constantly kept over the river of Patuxent in the County of Calvert

Whereas many Inconveniencies have and do daily happen to divers of the Inhabitants of this Province that have occasion to

travel either on Horse back or on foot over Patuxent River Liber A. M.
about their Lawful Occasions and for that several Assemblies
have endeavoured to make a Law for the same but Could not p. 112
pitch upon a person that would willingly undertake the
same that Lived Convenient to perform it and Geo Beckwith
of Calvert County Gent living opposite to Point Patience
and being willing to undertake the same for a Reasonable
Allowance to be paid by each respective Person that hath
Occasion to make use thereof either for foot or Horse and we
being desirous to give the said Beckwith all reasonable En-
couragement to perform so publick and Beneficial an Under-
taking do by these presents Authorize and Empower the said
George Beckwith or his Assigns to keep ferry Boats for to
transport men and Horses either from Point Patience over the
said River of Patuxent to his own house or from his own house
over the said River to Point Patience aforesaid and to ask
demand receive and take for every Person he shall so trans-
port as aforesaid either Backwards or forwards over the said
River the Sum of twelve Pence and Also to ask demand re-
ceive and take for every Horse he shall so transport as afore-
said the like Sum of twelve pence to have hold and enjoy the
sole Priviledge of Keeping the said Ferry Boat for transporting
Persons or Horses over the said River as aforesaid during his
Natural Life and since between Point Patience and the said
Beckwiths is the most Convenient place in the said River for
the Keeping a ferry Boat we do hereby Order Command and
Enjoyn all other Persons whatsoever for private Gain or
otherwise to forbear to keep any ferry Boat or Boats for trans-
porting men or Horses over the said River either there or in
any other Place or Part of the said River upon pain and perill
that shall fall therein and also Provided that the said Beckwith
shall keep a sufficient Boat and man or men for the doing and
performing the same wind & weather Permitting and shall not
presume to exact or demand more of any Person then is here-
by allowed for transporting either them or their Horses over
the said River upon pain of forfeiting the License hereby
Granted to him it being made Appear before the Justices of the p. 113
Provincial Court and also Provided that the said Beckwith or
his Assigns take special Care to examine Persons that they
know Not of their own certain knowledge to be freemen) that
so run away Servants may not be helped forwards by Reason
of the ferry Boat aforesaid and of this all Persons are to take
notice at their Perills Given under the Great Seal of the said
Province of Maryland the first day of March in the 41st Year
our dominion over our said Province Annoq Dom 1672
Witness our dear Son Charles Calvert Esq^r our Captain
General and chief Governor of our said Province of Maryland

Liber A. M. Maryland ss^t

By his Excellency the Captain
General

These are in the name of the right honble the Lord Proprietary to License and Authorize Edward ffitzherbert of Saint Marys County Esq^r to truck trade and Traffick with any Indian or Indians Inhabitants within this Province for so much Corn as may supply him and his family for their present use Provided that the said Edward ffitzherbert nor any person that he shall employ to trade with the Indians af^d shall not vend or sell to the said Indians for the purchasing the said Corn Any Powder Arms or Ammunition at their perill this License to Continue in force for six months and no longer Given under my hand and seal at Arms this 14th day of March 1672
To all Persons whom these
shall or may Concern

April the 12th 1673

Ralph Hutchinson having imported some thirty Horses and
p. 114 Mares into this Province Contrary to the Act of Assembly in that Case Provided himself informs thereof and Craves Liberty to be the Informer and that he may have the benefit of being the informer entred by his Excellencys Command

Charles Calvert Esq^r Captain General and chief Governor of this Province of Maryland under the right honble Cecilius Lord Baron of Baltimore Absolute Lord and Proprietary of the same to William Coleborne of the County of Somerset in the said Province Gent Greeting according to the Power to me by his said Lordship Committed and upon the special trust and Confidence I have in your fidelity Circumspection and Courage and good Conduct I do hereby Constitute Ordain and Appoint you a Captain and Commander of a troop of horse under me in the said County of Somerset to be raised by you in Somerset County aforesaid of sufficient housekeepers that are owners of Horses and that you in your judgment shall think fitting Persons to go upon any design as Occasion shall require and the said troops to muster exercise and train up in the art of war and discipline military and in all things I do hereby empower you to do as any Captain of a troop of horse may or of right ought to do to the resistance of all Enemies Supression of all Mutinies insolencies insurrections and Rebellions whatsoever according to your discretion and such Orders and directions as from time to time you shall receive from me and to that end to list such and so many of the house keepers of

the said County as to you shall seem meet and them to train and muster as af^d that they may be in a readiness to attend your Command with fitting Arms and Ammunition when occasion shall require and further if need be I do hereby Give full Power and Authority to you the said William Coleborn and all Persons under your Command to destroy kill Burn and take all such Enemys Indians or others that shall by any Tumult insurrection or murder of any of the Inhabitants of this Province by any Covert Act disturb the peace of his said Lordship and the said Enemys to fight with destroy vanquish overcome and take Prisoners and if need be put to death by martial Law or otherwise keep safe until you shall receive further Order from me and I do hereby Charge and Command you that you use your utmost endeavours for the keeping of his Lordships Peace in your said County and the supression of all Tumults or Insurrections of the Indians and for the better Enabling you fully to Comply with the Intent of this Commission hereby Granted unto you I do hereby appoint and Empower you to Constitute such and so many Officers under you in the said Troop as you shall think fit and the same again at Pleasure to put out and new ones to appoint in their Place to have and to hold the said Office and Command hereby Conferred on you during my Pleasure and I do hereby Command all Persons whatsoever to be Obedient to you in your executing of this my Commission as they will Answer the Contrary at their Perills Given under my hand and seal at Arms this 25th day of October in the 42^d year of the dominion of his said Lordship over Maryland Annoq Dom 1673

Liber A. M.

p. 115

Cha. Calvert

Maryland ss^t

By his Excellency the Cap^t
General

These are to Authorize and Empower you Captain W^m Coleborn of Somerset County to make entry of all undecked Vessels Open Sloops and Boats that shall come at any time to trade in Somerset County and to them to Give a License to trade first taking Bond of them according to Act of Parliament in that Case provided and also according to the Law of this Province and of the Masters of such Vessels to receive the Imposition money for such Tobaccoes as they export as also Port duties and secretaries fees for the entring of every such Vessel and for the same to be Accountable and make Payment unto me or my Assigns upon demand provided always that you presume not by virtue of this Order to enter or Clear any decked Vessels whatsoever and always Provided that you re-

p. 116

Liber A. M. turn unto me with all Convenient speed the several Bonds of Navigation you shall take from the respective Vessels you shall so enter and Clear as aforesaid I hereby allowing you for your Care and pains in the execution of the premises ten p^r Cent out of the Imposition money Port duties and Secretaries fees Given under my hand and Seal at Arms this five & twentieth day of October in the two and fortieth year of the dominion of Cecilius &c^a Annoq Domini One thousand six hundred seventy three

Charles Calvert

To Captain William Coleborn }
high Sheriff of Somerset County }

Maryland ss^t

By his Excellency the
Captain General

Forasmuch as the right honble the Lord Proprietary hath Comanded me to return unto him an exact Account of all such lands as are escheated unto his Lordship by any ways or means whatsoever within this Province and being desirous nothing more then exactly to Comply with and perform his Lordships Command in Every Particular I do therefore hereby Order and Command you that you make a true and fair List of all such Lands as are escheated to his Lordship within your County & in the same signify not only the quantity of any
p. 117 tract of Land that is escheated to his Lordship within your County but also whether it be rich Indifferent or Barren Land and whether any of it be Cleared and how much and if seated then what Improvements are made thereon as to Orchards fencing and housing and so of every particular tract of Land escheated within your County to his Lordship as aforesaid and the same List fairly engrossed and attested under your hand that you return unto me at the City of S^t Marys the tenth day of May next and for the more fully Empowering and enabling you to perform his Lordships Commands herein I do hereby require the Clerk of the Court of your County to be aiding and assisting to you in the premises of this you are not to fail at your Perill Given under my hand and seal at Arms the 11th day of November in the 42^d Year of the dominion of his said lordship over Maryland &c^a Annoq Domini 1673
To M^r Iohn Allen high Sheriff }
of Charles County }

The like sent into every particular County

Maryland ss^t

Liber A. M.

By his Excellency the Captain
General

Forasmuch as I have Granted Licenses to Several Persons within this Province for the keeping of a publick Ordinary which licenses were restrained to only a Years time to keep Ordinary and then to be void and for that I am inform'd that several Persons in the respective Counties of this Province do presume to keep Ordinary Notwithstanding they have no License or else their Licenses are void and out of date These are therefore to Command you that you make publick Proclamation through your Bailiwick that all Persons that keep any publick Ordinary within the same either by virtue of any License from me or without any License at all do personally appear before me at my house at Mattapenny the tenth day of January next and bring with them such Licenses as they have by virtue of which they keep Ordinary or some testimonials from the Commissioners of the County where they live that they are persons fitting to keep Ordinary and so take out new Licenses or else to proclaim that we do hereby vacate the said Licenses to them formerly Granted and shall proceed against them as Persons that sell drink and keep Ordinary without License Given under my hand and Seal at Arms the eleventh day of November in the two and fortieth Year of the dominion of Cecilius &c^a Annoq Domini 1673

To M^r Iohn Allen high
Sheriff of Charles County } The like sent into every particu-
These } lar County

Copy of a Bond of Navigation in Maryland.

Feb^{ry} 5th 1673.

P. R. O.
Colonial
Papers,
B. A. p. 2.

Know all men by these presents that we Andrew Woodberry master of the Ketch Swallow of Salem in New England, & Robert Ellys of the County of Calvert in the s^d Province are holden & firmly bound unto his Excellency Charles Calvert Captain General of the s^d Province in the full & just Sum of one hundred Pounds of good & lawfull Money of England, to be paid to the s^d Charles Calvert, or to his Heirs, Executors, Administrators, to which payment, well & truly to be made, we bind ourselves, our heirs, executors & Administrators, & every of them for the whole & in the whole joynly & severally firmly by these presents, sealed with our Seals dated the fifth day of February Anno Domini, 1673.

The Condition of this Obligation is such, that if the above bounden Andrew Woodberry shall cause all such Tobacco as he shall Lade on Board his s^d Ketch, this present Voyage, to

P. R. O. be carried from hence to some Port of His Ma^{ty}'s English Plan-
Colonial tations in Asia, Africa or America, or to some Port of England,
Papers, His Ma^{ty}'s Principality of Wales or Town of Berwick upon
B. A. Tweede; & there (the dangers of the Seas excepted) shall
unlade, & put the same on Shore; then this present obligation
to be voyd & of none effect, otherwise to stand, remain & be
in full force & vertue. Signed, sealed, & delivered in the
presence of us

Andrew Woodberry
Robert Ellys

The Mark of John + Gettycoate.
Samuel Smith.

Liber A. M.
p. 118

9th March 1673

Order to the Sheriff of Calvert County (ut est in folio for
the election of three new Burgesses in Calvert County there
being none of the former four left but Major Brookes to sit at
an Assembly (if summoned by particular writt) held at S^t
Marys 19th May next

p. 38 Memorandum that three and twentieth day of March Anno
1673 the before mentioned Oath of Chief Clerk of the Pro-
vincial Court and Secretarys Office was administred unto John
Blomfield as Chief Clerk p the honble William Calvert Esq^r
Principal Secretary of Maryland

p. 119

Iune the 10th 1674

Warrant then issued to the respective Sheriffs of the said
Counties of this Province to take the list of Tythables in their
respective Counties by the 20th of Iuly next and the same
return ut est Lib Consil H H 294

p. 118 On the back side of a Commission Granted to W^m Stevens
to prove rights and Grant warrants for Land dated the 6th
October 1671 was written thus

I William Calvert Esq^r Principal Secretary of this Province
p. 119 do hereby Grant and Confirm unto the within mentioned
William Stevens the within specified Power and Authority to
prove rights during my Pleasure according to the true intent
and meaning of the within written Commission with like Power
to Grant warrants for the same Given under my hand and the
lesser Seal of this Province the first day of August 1674

William Calvert

August 23^d 1674

Commission then issued to Charles Iames of Cecil County
to be Coroner of the same County and to have and receive the

fees dues and regards to the same Office belonging &c^a and took the Oath of Fidelity and Coroner (by Order Verball from his Excellency before me

Liber A. M.

John Blomfield Clerk

At the Committee of Trade and Plantations

Munday the 10th of April 1676.

At the Robes Chamber in White Hall

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p. 104.

Present

Lord Privy Seale
Duke of Ormond
Earle of Carlisle

Earle of Craven
M^r Sec^{ry} Williamson

There was also prepared the draft of a letter to the Lords Proprietors of Carolina, the Lord Baltimore Proprietor of Maryland, Sir Georg Carteret Proprietor of New Jersey, and to the Bermudos Company, setting forth, how that the plantation busines (managed lately by a particular Councill) was now referred by his Majesty to a Committee of his Privy Councill, and that their Lordships might be enabled to inform his Majesty touching the condition of those Colonies, Their Lordships do send them some heads of Enquiry, upon which they are to return an accompt.

The Generall Heads of Enquiry were as follow

A Draft of Generall Enquirys to be sent to the
Governors of his Ma^{ty}s Plantations.

1. What Councills, Assemblies and Courts of Judicature are within your Government, and of what nature and kind.

2. What Courts of Judicature relating to the Admiralty.

3. Where the legislative and executive powers of your Government are seated.

4. What statutes, laws and ordonances are now made and in force.

5. What number of horse or foot are within your Government, whether they be trained Bands, or standing forces, how they are armed, divided, and exercised.

6. What Castles and Forts are within your Government, and how situated, as also what stores and Provisions they are furnished with all.

7. What number of Privateers or Pyrats do frequent your Coast, what their burthens are, the number of their men and Guns, and the names of the Comanders.

8. What is the strength of your bordring neighbours, whether Indians or of any other Nation by sea, and land, and what is the state and condition of their trade and commerce.

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9. What correspondency do you keep with your neighbours.
10. What arms, ammunition, & stores do you finde upon the Place, or have been sent unto you since upon his Majesty's accompt, when received, how employed, and what part of them is remayning.

11. What monys have been paid or appointed to be paid by his Majesty, or levied within your Governm^t for and towards the buying of arms, or making or maintayning of any Fortifications or Castles, or for any other publique uses, and how have the monys been expended.

12. What are the boundaries, longitude, latitude, and contents of the land within your Government, what number of acres, patented, settled or unsettled, and how much is manurable land.

13. What are the Principal Townes, and Places of Trade and what manner of Buildings are most used in your Colony, as to the strenght, and largenes of them.

14. How many Parishes, Precincts, or Divisions, are within your Government.

15. What Rivers, harbors and Roads are within your Government, and of what Dephths, and soundings they are.

16. What Comodities are there of the production, growth and manufacture of your Plantation, and of what value yearly, either exported, or consumed upon the Place, and what materialls are there already growing, or may be produced for shipping, as also what are the comodities imported, and of what value yearly.

17. Whether salt Peter is or may be produced within your Plantation, and if so, in what quantity, and at what rates it may be delivered in England.

18. What number of merchants and Planters, English or Forreiners, servants and slaves, and how many of them are men able to bear armes.

19. What number of English, Scotch, Irish or Forreiners have for these seaven years last past, or any other space of time, come yearly to Plant, and inhabit within your Government, and also what Blacks or Slaves have been brought in within the said tyme, and at what rates.

20. What number of Whites, Blacks or Mulattos have been born and christened for these 7. years last past, or any other space of tyme, for as many years as you are able to state an accompt of.

21. What number of Marriages for seaven years last past or any other tyme for as many years as you are able to state an accompt of.

22. What number of people have yearly dyed within your Government for seaven years past or any other tyme for as many years as you are able to state an accompt of.

23. What estimate can you make touching the Estates of the severall degrees of Merchants, and Planters within your Government, and how you may compute the wealth of the Island in generall.

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24. What number of ships, sloops or other vessels do trade yearly to and from your Plantation, and of what built, and burthen, and whether there be any belonging to the Country.

25. What obstructions do you find to the improvem^t of the Trade and Navigation of the Plantations of your Government.

26. What advantages and improvements do you observe that may be granted to your trade and Navigation.

27. What Rates and Dutys are charged and payable upon any goods exported out of your plantations, whether of your own growth, and manufacture or otherwise as also upon goods imported, and to what publick ends or uses are the same applied.

28. What revenue doth or may arise to his Majesty within your Government and of what nature is it, by whom is the same collected, and how answed and accompted to his Majesty.

29. What Persuasion in Religious Matters is most prevalent, and among the varieties which you are to expresse, what Proportions in number and quality of People, the one holds to the other.

30. What Course is taken for the instructing of the People in the Christian Religion, how many Churches and Ministers are there within your Government, and how many are yet wanting for the accommodation of your Colony, what provision is there made for the maintenance of them, as also for relieving poor decayed and impotent Persons, and whether you have any Beggars, or Idle Vagabonds.

But because the Case and Condition of Places varied one from another, the following paper of variations, was read and approved, and the enquiries ordered to be prepared accordingly.

In the Enquiries to the Lords Proprietors the 10th and 11th heads are left out and the 27th and 28th run thus.

What Rates and Duties are charged and payable upon any goods exported out of your Plantation Whether of your own groweth and manufacture, or otherwise, as also upon Goods imported, and likewise what other revenue doth or may arise within your Colony, and how the same are applied.

His Ma^{tie} having been pleased to dissolve and extinguish the late Councill of Trade and Forreigne Plantacōns and to committ what was under their inspection and management to a Comm^{tee} of the Privy Councill appointed for matters relating to Trade and Forreign Plantations.

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P. 21.

P. R. O. Their Lo^{ps} on the 10th of April 1676 sign a Circular Letter
Colonial with severall Heads of Inquiry to the Lord Baltimore Lord
Entry Book, Propriety of Maryland.
Vol. 52.

The letter is as followeth.

Circular letter
to the L^d Baltimore.

After our very hearty commendacōns to y^r Lordship. His Majesty having in his wisdom thought fit to supersede the Commission by which his Council of Trade & Forreign Plantations lately acted & thereby restoring all the business of that nature to its accustomed Chanel of a Committee of his Privy Council. And his Ma^{tie} having more especially committed to a select number of the Board, whereof we are, the care and management of things relating to his Plantations, we have therefore thought it convenient to give yo^r Lord^{sp} advirtism^t thereof. And because we do not as yet find ourselves enabled to give his Ma^{tie} such Account of the State & Condition of that Colony as his Royall service & the dependence thereof upon the Crown does require. We have therefore thought fit to send your Ld^p (as we have done to others) some Heads of Inquiry here añext, the better to guide your Lordship in the method of that State and representation of things which we expect from your Lordship, and do desire it may be done with all convenient speed.

And soe not doubting of your Lordships care to advise us farther in all matters that may from time to time conduce to his Ma^{ties} service, & our better discharge of the trust reposed in us. We bid your Lordship very heartily farewell.

From the Council Chamber at Whitehall

This Tenth of April 1676.

The Heads of Inquiry are as foll:

1. What Councils, Assemblies, & Courts of Judicature are within y^r Province & of what nature and kind.
2. What Courts of Judicature relating to the Admiralty.
3. Where the Legislative and Executive Powers of the Government are seated.
4. What Statutes, Laws & Ordnances are now made and in force.
5. What number of horse or foot are within y^r Province, whether they be trained Bands or standing forces. How they are armed, divided & exercised.
6. What Castles and Forts are within your Province, & how scituated & fortified, as also what stores & Provisions they are furnished withall.
7. What number of Privateers or Pirates do frequent the Coast, what their burthens are the number of their Men & Guns, and the names of the Commanders.

Neighbors. 8. What is the strength of your bordering Neigh- P. R. O.
& Land. bors, whether Indians or of any other Nation by Sea Colonial
and Commerce? And what is the state & Condition of their Trade Entry Book,
Vol. 52.

Correspondence. 9. What Correspondency doe you keep with
your Neighbors?

Bounds. 10. What are the Boundaries, Longitude, Latitude,
& Contents of Land within y^r Province? What num-
ber of Acres patented, settled or unsettled. And how much is
manurable land?

Trade and Building. 11. What are the principal Townes & Places of
Trade. And what manner of Buildings are most
used in y^r Colony as to the strength and largeness of them?

Parishes. 12. How many Parishes, Precincts or Divisions are
within your Lord^p's Province?

Rivers &c. 13. What Rivers, Harbours & Roads are wthin your
Province. And of what depths and soundings they
are?

Product. 14. What Commodities are there of the production,
growth and manufacture of your Plantation and of
what value yearly, either exported or consumed upon the place
and what materials are there already growing, or may bee pro-
duced for shipping: as alsoe what are the Commodities im-
ported, and of what value yearly?

Salt-peter. 15. Whether Salt-peter is or may be produced
within your Plantation: And if so in what quantity,
and at what rates it may be delivered in England?

Planters. 16. What number of Merchants & Planters, English
or Forreigners, servants & slaves and how many of
them are men able to bear armes?

Number. 17. What number of English, Scotch, Irish or For-
reigners have (for these seaven years last past, or any
other space of time) come yearly to plant & inhabit within the
Province. And alsoe what Blacks & Slaves have been brought
in within the said time and at what rates?

Christnings. 18. What number of Whites, Blacks, or Mulattos
have been born & Christned, for these seaven years
last past, or any other space of time, for as many years as you
are able to state an account of?

Mariages. 19. What number of Mariages, for seaven years last
past, or any other time, for as many years as you are
able to state an account of?

Burials. 20. What number of people have yearly dyed within
your Province, for seaven years past, or any other time,
for as many years as you are able to state an account of.

Estates. 21. What estimate can you make touching the
Estates of the severall degrees of Merchants and Plant-

- P. R. O. Colonial Entry Book, Vol. 52.
- ers within yo^r Lordships Province, and how you may compute the wealth of y^r Colony in general.
- Shipping. 22. What number of shippes, sloops or other vessels doe trade yearly to and from y^r Plantacōn, & of what built & burthen, & whether there be any belonging to the country?
- Obstructions. 23. What Obstructions do you find to the improvement of the Trade and Navigation of the Plantations of y^r Province?
- Advantages. 24. What advantages and improvements do you observe that may be gained to your Trade and Navigation?
- Duties. 25. What rates and duties are charged and payable upon any Goods exported out of y^r Plantation, whether of your own growth, or manufacture, or otherwise, as also upon Goods imported. And likewise what other Revenue doth or may arise within your Colony, and how the same are applied &c?
- Religion. 26. What persuasion in Religious matters is most prevalent; and among the varieties w^{ch} you are to express, wth proportion in number & quality of people the one holds to the other.
- Churches. 27. What course is taken for the instructing of the people in the Christian Religion? How many Churches and Ministers are there within your Province, & how many are yet wanting for the accommodation of your Colony? What provision is there made for their maintenance as also for relieving poor, decayed and impotent persons? And whether you have any Beggars or idle Vagabonds.

Liber B. B.
p. 2

25th of May 1676.

Letter to the ArchBishop of Canterbury from
John Yeo Minister in Mariland.

Most Reverend Father

Pleased to Pardon this Presumption of mine in presenting to Yo^r serious view these Rude & indigested lines w^{ch} (with humble Submission) are to acquaint Yo^r Grace with the Deplorable estate & condition of the Province of Maryland for want of an established Ministry here are in this Province tenn or twelve Countys & in them at least twenty thousand Soules & but three Protestant ministers of us th^t are Conformable to the Doctrine & Discipline of the Church of England others there are (I must confess) th^t Runn before they are Sent & Pretend they are Ministers of the Gospell th^t never have a Legall call or Ordination to such an holy office, neither (indeed) are they qualified for it being for the most part such as never under-

stood any thing of learning & yet take upon them to be Dis- Liber B. B.
pencers of the word & to Administer Sacrament of Baptisme
& sow seeds of Divission amongst the People & noe law Pro-
vided for the Suppression of such in this Province soe th^t here
is a great Necessitie of able & learned men to confute the gaine
sayer espetially having soe many Profest enemies as the Popish
Priests & Jesuits are, who are incoraged & Provided for & the
Quaker takes care & provides for those th^t are Speakers in
their conventicles, but noe care is taken or Provision made for
the building up Christians in the Protestant Religion by means
whereof not only many Dayly fall away either to Popery,
Quakerism or Phanaticisme but alsoe the lords day is pro-
phaned, Religion despised, & all notorious vices committed soe
th^t it is become a Sodom of uncleanness & a Pest house of in-
iquity. I doubt not but Yo^r Grace will take it into Consideration
& do Yo^r utmost for our Eternall welfaire, & now is the time
th^t Yo^r Grace may be an instrument of a universall reformation
amongst us with greatest facility Cacillius Lord barron Balti-
more, & absolut Proprietor of Maryland being dead & Charles
lord Barron of Baltimore & our Governour being bound for
England this Year (as I am informed) to Receive a farther con-
firmation of th^t Province from his Majestie at w^{ch} time I Doubt
but Yo^r Grace may soe prevaile with him as th^t a mainten-
ance for a Protestant ministry may be established as well
in this Province as in Virginia, Barbados & all other his
Majesties Plantations in west indies & then there will be
incoragement for able men to come amongst us, & th^t some
Person may have power to examine all such Ministers as shall
be admitted into any County or parish in w^{ch} Diocis & by w^{ch}
Bishop they were Ordained, & to Exhibit their lrs of Orders
to testify the Same, as yet I think the Generalitie of the people
may be brought by Degrees to a uniformitie. Provided we
have more ministers th^t were truly Conformable to our mother
the Church & non but such Suffer to preach amongst us, as
for my own part (God is my witness) I have done my utmost
indeavour in order there unto, & shall by God's assistance
whiles I have a being here give manifest Proof of my faithfull
Obedience to the Canons & Constitutions of our Sacred
Mother. Yet one thing cannot be obtained here [viz Consec-
ration of Churches & Church Yards to the end th^t Christians
might be Decently buried together, whereas now they bury in
the several Plantations where they lived, unless Yo^r Grace
thought it Sufficent to give a Dispensation to some Pious
minister (together with ther maner & form) to do the same.
& Confident I am th^t yo^r will not be wanting in any thing th^t
may tend most to God's Glorie & the goods of the Church by

Liber B. B. w^{ch} you will engage thousands of Soules to pray for Yo^r Graces
everlasting happiness, but especially

Yo^r Most Obedient Son Serv^t
John Yeo.

Pesuxant River in
Maryland 25th day
of May 1676.

The Most Reverend
Father in God
Gilbert by Divine
Providence Lord
Arch Bishop of Canterbury &
Metropolitane of England
at his Palace at
Lambith.

Rec^d 8 Aug: 1676
Ent: B. M. p. 30.

p. 1 From the Archbishop of Canterbury to the Lord London.

Croydon August 2^d 1676.

My Lord,

The inclosed came lately unto me, and from a person altogether unknown. The design therein proposed, seem's very honest and is in itself so laudable that I conceive it concern's us by all means to promote it: If your Lordship shall please to remember it, when the Lord Baltamores affaires comes to be considered of at the Councel Table, I make no question but there may be a convenient opportunity to obtain some settled revenue for the Ministry of that place as well as the other plantations; when that is once done, it will be no difficult matter for us to supply them with such as are of competent abilities to undertake the employment and withall such as we know to be both regular and conformable. I bid your Lordship heartily farewell and am My Lord your Lordships

Most affect: Friend and Brother
Gilb: Cant:

(Endorsed)

Rec^d from the Lord London 8. August 1676. With a Letter from John Yeo Minister in Maryland to the Archbishop of Canterbury.

Read the 19th of July 1677.

Ent: B: M: p. 27.

Bundle B.

Paper. 1.

Whereupon the Lord Baltimore presents
a Paper setting forth the Present
State of Religion in Maryland. viz.

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p. 31

That for the encouragement of all such persons as were desirous and willing to adventure and transport themselves & families into the Province of Maryland a law there made by the advice and consent of the Delegates of the Freemen concerning Religion, wherein a toleration is given to all persons beleeving in Jesus Christ freely to exercise their Religion & that no person of what judgement soever, beleeving as aforesaid should at any time be molested or discountenanced for or in respect of his Religion or in the free exercise thereof and that noe one should be compelled to the beliefe or exercise of any other against his consent. Upon this Act the greatest part of the people and Inhabitants now in Maryland have settled themselves & families there & for these many years this toleration & liberty has been known & continued in the Government of that Province.

That those Persons of the Church of England there who at any time have encouraged any Ministers to come over into that Province have had several sent unto them as at this time there are residing there foure that the L^d Baltimore knows of who have Plantations & settled beings of their owne and those that have not any such beings are maintained by a voluntary contribution of those of their own persuasion, as others of the Presbyterians, Independents, Anabaptists, Quakers & Romish Church are.

That in every Country in the Province of Maryland there are a sufficient number of Churches and Houses called Meeting Houses for the people there and these have been built and are still kept in good repaire by a free and voluntary contribution of all such as frequent the said Churches and Meeting Houses.

That the Laws of that Province have been ever made by the advice and consent of the Freemen by their Delegates assembled as well as by the Proprietor and his Council and without the consent of all these no Law there has been made.

The greatest part of the Inhabitants of that Province (three of four at least) doe consist of Præsbyterians, Independents Anabaptists and Quakers, those of the Church of England as well as those of the Romish being the fewest, so that it will be a most difficult task to draw such persons to consent unto a Law, which shall compel them to maintain Ministers of a contrary persuasion to themselves, they having already an assurance by that Act for Religion that they have all freedom in point of Religion and Divine Worship and noe penalties or payments imposed upon them in that particular. That in

P. R. O. Carolina, New Jersey and Roade Island, the Inhabitants for
Colonial the peopling of those places have had and still have the same
Entry Book, toleration that those in Maryland have.
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P. R. O. Complaint from Heaven with a Huy and crye and a petition
Colonial out of Virginia and Maryland.
Papers.

To our great gracious Kinge and Souvereigne Charles the II, King of England &c. with his parliament.

It is high time, that the originall Cause of the late and former distractions should be inquired into: the Berkliu and Baltimore Partys will tell a great many over smothed Contraries: the platt form is, Pope Jesuit determined to over terne Engl^d, with feyer, sword and distractions, within themselves, and by the Maryland Papists, to drive us Protestants to Purgatory within our selves in America, with the help of the French spirits from Canada.

Now mark the late Tragedy: Old Governor Barkly, Altered by marrying a young wyff, from his wonted publicq good, to a covetous fools-age, relished Indians presents, with som that hath a like feelinge, so wel, that many Christians Blood is pukuted up, with other mischievs, in so much that his lady tould, that it would bee the overthrow of the Country; of which Dissembling Baltemore is glad, because it is his custom to exchaunce the King's Maj^{ty}'s Subjects, for furr: and now presents an Opportunity to give Virginia a good Blow, if not an Overthrowe by Maryland Piscattaway Indians in Potomoke River, who encourradged by their own if not a Popish Divell, went over to Virginy side, to doe mischeief. but at laest by the inhabitants followed back into their cabbins, demanding the Murtherers of the King of that Nation, who laughinge and peremptorily denying, beeinge killed, did give the Virginyans a greater mistrust of a treachery especially understanding that the piscattaway Indians hath invited the Susquahana Indian to their Assistance, and inforced them, whereby a greater incursion feared and forseen, governor Barkly was thereupon persuaded, to send Washington and Allerthon with 200 men to cut them off, and comeinge to gov^r Baltemores for consent who not daringe to denye, under Coll^{or} to Assist, raysted first and laust above a 1000 men to protect, and so hindered the Virginians to destroy them, and therefore ordered his Maj: Gen: Truman, onely to besiege the fort, which they at first might have easily taken, beeinge not quit finished and not a 100 fighting Ind: in it, besids women and children. Thus where the soldiery misled and intrenched, and the Susquahana Indian sent out 5. of their great men, whom the souldiers knowing to be som of the Murtherers, would not let com to a treaty, killed, and thus where

5. or 6. weeks spent to consume the kings subjects, and put both Countrys to an excessive charge and a generall Allareme, for the Indians often salleyed out, killed many and toke their spades and armes, and made themselves there with stronger and stronger, another party with other Indians, fell upon Virginia, and notwithstanding Gov^r Baltemore's hyred ships, sloups and planted great gunns, the Indians marched through Our Campe with wyff and children fightinge, and escaped clear. they kroak that shamefull siege up, with the loss of above 200 souldiers and 12 or 130000^{lbs.} of tobacco 'charges to the Country, besids Virginia, the Indians loosinge but now and then one by chainece, but in Virginia where destroyed above 5. or 600. men, weemen and children, without any resistance considerable, untill Sq^r Bacon, moved with the peoples and his owne loss, repulsed the Indians, which hath taken full effect, if not hindered by som ill wishers aboves^d which brought the Country into a further confusion and distraction amongst themselves. But the susquahana Indians retreyted mean while to their Susquahan River againe, and cut off severall families at the head of the Baye, and thus are the Indians encourradged, who call the Christians Cowwards and childeren to fight with. This doth set a generall fear and perplexity uppon the people all the Country over. But Governor Baltemore to cloake his policy with an Assembly, condemned his Maj^r Trueman into a fine of 10000^{lbs.} of tob: and imprisonment duering pleasur, for having suffered the aboves^d 5. susquahana Indians to bee killed, and not that he hath let them all escape, notwithstanding the Assembly cleared Trueman uppon the produce of Baltemore's Ordre, but it is as it was thought, to stop his mouth and prevent his complaining to England, to reveal secrets. O Treachery plainly discovered out of the Cabinet of Popish Maryland, w^{ch} opened further out starts a Number of Grievances, which prognosticat an absolut ruyn and subversion of the king's Maj^{ty}'s loyall subjects in Maryland, as hereafter is manifested, for which they call now Governor Baltemore to an account before our Souveraigne Lord, the king and parliament in England, and doe charge him—

That he is guilty of the late murders in Virginia and Maryland, and a great many of the Kings Majestys subjects lyves lost before, and the ruynatinge of their Estates.

That Hee is guilty of the Mischief done by the Sinnico Indian, that com now every year downe and robb the Country, by not havinge sent and joyned with the Governor of New York, to enter into a league with them, as hee was advised divers years agoe, but refused and neglected it.

That Hee raysed the People in Armes for his privat gaine and Interest, onely to oppress the king's subjects with great

P. R. O. taxes in his and own creatures pokket as principally may appear
Colonial out of the leavy laest year, when hee overcharged the Country
Papers. with about 190 others say 290000^{lbs.} of tob: and perswaded
afterward the Assembly men, not to call him to an account for
it, but to give it him. So did hee likewise in the former Indian
Wiccomisso Warr, when they tooke all the plunder from the
poor souldiers and sent the Indian prisoners to Barbados for
Negros, but forced the poore inhabitants to bear and pay all
the charges.

That he hath defrauded the Country of severall thousands
of pounds of tobacco which was leaved and Hee intrusted to
provide a magazyn for the Country's defence, and uppon divers
occasions against the Indians, little or nothing came forth, safe
a fewe in the laest Indian siege. And well remembered the
exployet of the wherekill in Delewar Bay. when the inhabitants
powder and shot, guns, pistolls, shoes stokkins and cloaths
from the peoples fetes pressed off, provision taken by force
and vyolence, contrary to the libberties and priviledges of the
King's Maj^{ty's} free born Subjects off England.

That Hee did press 500 men, by Cap^t Howelt from the head
of the Bay, to goe in the very winter a hundred and 40. or 50.
miles downe to the wherekill A^o 73 to burn a few poore in-
habitants out off all their houses, corn and every thing els they
hath, leaving poore weemen with child naked, to the mercy of
a desperat hard winter when no botes nor reliefe could com
to them, divers perished in that very misery: w^{ch} popish cruelty
can not bee out faced that it was then in warr time and in the
dutch possessions againe, for it was done after they hath sub-
mitted themselves to Baltemore againe and entertained the
souldiers freely, without any of the least resistance, uppon
promis that no harm should happen to them, but wee leave
that to his Royall Highnis, to call Baltemore to an Account for
the ruyn of that whole Country, and the loss of many men's
lives, for when thy hath done that misschief thy left the place
againe, and so som two years before one Jones was commis-
sionated to plunder the poore people there, and it is notice to
be taken, that if God hath not then send peace betweene the
two Nations, it was determined by the Dutch, with fregats by
water and souldiers by land to have ruyinated the king's
subjects in Maryland for it: Now this tyranny was after
chalked over with an Assembly and made the Country for that
very pleasur pay 50. or 60.000 pounds of tobacco, when hee
might have it done from Chaptank or Sumerset County, with
10. or 12. men and not above 2 or 3000^{lbs} tob: charges Thus
and in many other concernments are the King's Maj^s Subjects
continually more and more oppressed: contrary to the Lord
Proprietarys and their Tennants in England, also contrary to

an old Act of Assembly A^o 49. or 50 wherein the freemen (then most popish recusants) acknowledge him their Lord Proprietary according to his patent bearing date at Westminster the 20. June 1632. so farr as it should not in any way infringe or prejudice the just and lawful libberties or priviledges of the free born subjects off the kingdom off England. And by another Act that he was not to press any men to goe to warr out of the province, without an Assembly and the people's free will. But Hee comitts the fact first then calls an Assembly to assent unto and pay the charges. Hee overswaded an Assembly a few years agoe to give him power to raise men uppon a sudden occasion, and with that Hee studied the late Misschief, to yoak the inhabitants, overturne Virginia, and get a good lump of tobacco into his pokket.

P. R. O.
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So Hee doth likewise, by pretendinge and clayminge unjustly, severall men's plantations, as if thy were his reserved or esscheat lands, which where legally taken up, by his warrant, by his Surveyor General recorded in the Secretary's office and granted firm patents under hand and great seal off the province, and likewise contrary to Act of Assembly A^o 63. concerninge quiet possession with another Act of 5. years land in possession a good titall iff held by patent under the greate seale. Why did Hee not primitivo tempore cause His Surveyor Generall to have marked and laieth out, lands for Townes for his Lordship's and the publicq use? And now the Country is brought into a confusion about it the provincially court men must futher all errours, but the Country's good wellfare is thereby utterly interrupted. But before wee proceed any further, wee must annatomize ovr present provincially Court and Assembly,=next, that England may see who are ovr Governors and chief rulers and thereby measur the exactnes of the legalls. viz.

Young child charles Baltemore about 9. or 10 years of age, Governor in England chirurgien warden, a son in law Deputy Governor in Maryland Philip Calvert, Pukly Chancellor, William Calvert nephew, secretary, Brooks surveyor generall, kindsman, (besides the secret Councell of priests and Natlye^s) with perhaps a son in law or kindered more) stronge papists, besids Mr Chew Taylor and . . . half ones, with som protestants for fashion sake, in number easily overrated with Law-Brother loe all most forgott. Now when any thing in the popish chamber is hatched that must have a Country cloack, warrants issue forth to every County to choose 4. men, which my Lords officer sheriff binds by 4 intendures to serve his turne: But at a day afterward appointed, a writ coms but for 2 out of theas 4, pikt out for his purpos, viz. either papists, owne creatures and familiars or ignoramuses. These are called Deligates, but the

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Country calls them Delicats, for thy gladly com to sutch Christenings at St Marys, where there is good cheere made, and the poore Country payes every time, one two or more hundred thousand pounds of tobacco for it. For there is many Items: and item for chancellors fees; item secretary fees etc: and the more Assemblies the oftner it goes about, all dae thy nothing els, but augment fees uppon fees, and continue temporary lawes as thy call them,

Now when these are confined in a room together, thy are called the lower house and the provintiall Court men in an other chamber, stiles themselves the upper house, and prescribes what the lower house is to consent unto, which iff any grummeles at, then perswadinge spirits goe forth, and if any stands out or up for the comon good, frowns and treathnings scares them to be quieth right or wrong: and this thy call Acts of Assembly, but the Country calls them, dissemblings, and abreptive procured Acts. These Acts must bee first over and above send into England to the proprietary there, (and why not then to the Kings Majesty) and what Hee then doth not relish is of no force, but his selfe interest irrevocable and perpetuall which causes the Assembly now to act for the most part temporary for 3 years or the next Gen^l Assembly, and thus doeing and undoeinge is the reason the Country can never com to any Estability the one not dareinge trust the other. And now pray where is the liberty of the freeborne subjects of England and owr priviledges in Maryland, the Lord proprietary assumms and attracts more Royall Power to himselfe over his Tennants then owr gracious Kinge over his subjects in Engl^d, and therefore charge the Lord proprietary with Breach of Charter, who gives him noe warrant to deal with the King's Majesty's subjects in Maryland so deceitfully, as further appeared by the sheriffs, which my Lord puts in and out, when, whome and howe long him pleased, contrary to the custom of England and is direct repugnant, as it is also against two express Acts off Assembly, A^o 61. and 62. wherin the Comm^{rs} of every Country where to present 7 persons every Martch, out of which the Governor was to choose one every year and no longer.

But in coms a greater consequence, the proprietary with his familiars houlds forth, that Hee is an absolute prince in Maryland, with as absolute prerogative Royall Right and Power as owr gracious souveraigne in England, and according to that, thy set their Compass to steere by and governe by: But wee replye, that iff it is not within the compass of treason, to saye so, sure it is to acte so, for what els sygnified, that my Lord Baltomore puts himselfe in equall computation with his Court of Armes, next to the Kings Majesty in the great mapp

of Virginia and Maryland, prikkinge him selfe distinctly in, and the Kings Majesty out of Maryland? To what purpos els are his Courts off Armes put up in every Court, and under that authority onely Justice administered, all Writts and warrants issued forth, and under or by their Dominion all process and other writings concluded; Appeals to his Royall Majesty into England termed criminall and denyed? Nay what els imports, an Act of Assembly caused to be made A° 50. that all men shall swear Allegiance and supremacy under the Tittle of Fidelity to the Lord proprietary and his Hyres and Successors for ever, or shall bee banished the province, as by the said oath at large is to bee seen uppon which then the Seavorn fight origginated, and the Lord proprietary l[ost] the Country by it, to which said oath openly maintained, as if the King's Majesty in England hath nothing to doe there, which is wunderfull strange, consideringe New Yorke and all other Provinces in America, honour the King's most excellent Majesty, with the Emperial Armes and supremacy off England. But wee leave that great consequence to his Royall Majesty and parliament, to deliberat further uppon and say onely—

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Grante, that owr Emperiall King Charles the 1. of blessed Memory was surprised by the Penn man, to intitall my Lord Baltemore by his letter pattent dated aboves^d, absolute Lord and Proprietary of this then unknowne great tract of land, it was by misinformation and undoubtedly intented conditionally, as playnly appears by the petition in the preamble and the said charter, as the groundwork to all, viz. to civilize and propogate the Gosple, amongst the barbarous Indians, and not to make himselfe or his posterity in time to com, an absolute prince over the King's freeborn Subjects off England and propogate papacy, whereby our posterity will bee brought either to becom pageans or papists, for protestant Ministry is rather depressed then advanced, sometimes not beeinge above 2. or 3. orthodox Ministers in the whole province and sometimes none at all.

O yee reverent Bishops in England Here lays the Keye of the work, and the popes service, why doe y^e not take care for the sheep in Maryland, and send protestant pastores, as the pope doth to his papists, in America?

Next, Wee acknowledge Lord Baltemore our land lord proprietary and the inhabitants his Tennants in Maryland by fealty onely, payeinge for all manner of services the yearly quitt Rent as by owr pattents Wee are no otherwise injoyned: But our souveraigne Lord the Kinge, proprietor over Maryland, and wee His onely Subjects and liege freeborne people of Engl^d to whom wee owe alleageance and fidelity and to no other, and to him wee will swear and engage, to bee true and faithfull,

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under the conduct of the Lord proprietary as His Majesty's Generall and his lift Tennant and Governor and Government established here not repugnant to the laws and customs (without infringeinge upon the liberties and priviledges) of the freeborne Subjects of England, and hereupon wee doe now appeal to our gracious Kinge and parliament, if wee by Maryland charter are otherwise obliged, and produce by the proprietary's first Comistione of Plantations published, that wee are not otherwise required nor invited, and therefore by an usurped Power thy Will make themselves absolute over our lives, fortunes and estates.

Furthermore our priviledges are preserved by the expression in Maryland charter to the Adventurers, for wee ourselves thereupon have transported our selves and our estates into this Country, purchased the land from the Indians with loss of Estate and many hundred mens lives (yea thousands) and must defend ourselves continually without my Lord Baltimore's ability, whereby our land and possessions are become our Owne, and now wee have made it a Country for the glory and enlargement of the Dominion and Emperial Crowne of England. Shall wee and our posterity be domineered over by the Proprietary, as Rebels to him, because wee will not be Rebels and Traytors to the Kinge and Kingdom of England and become his purgatory slaves? And for this thy begin to hang and fine People.

Wee confess a great many of us came in servants to others, but wee adventured our lives for it, and got our poore living with hard labour out of the ground in a terrible Willdernis, and som have advanced themselves much thereby: And so was my Lord Baltimore but an inferiour Irish Lord, and as is sayth one of the Popes privy Agents in England.

The King's Majesty hath intrusted the Proprietary with Maryland by Charter, to be a good steward to the Reallm of England with it and to manage the affayres thereof for the comon good, establishing the Country from the beginning in Townes and Corporations, that the Kings Subjects might live secure from the incursion of the Indians and not be cut off and Massacrated as before times they were in Roanok and Virginia and New England was a good pattern, to have Maryland seuted with the same felicity, but thy have made Merchandize of the land and now it is passed all most remedy; take peoples lands and will make Townes on 50. or 100 acres without commons or possibility for poore people to live in. Thy King's Majesty hath encourradged his Subjects by that charter to com and to inhabit Maryland as his other liege people, produce now out of that Charter the power to make the Tennants swear Allegiance and supremacy under the cloake of fide-

tye to you and your Heyres and Posterity with the Pope for ever or els that thy shall or may bee hanged, banished and their Estates confiscated?

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Unmask the Vizard, and y^u will see a young Pope and a New Souveraigne pepe out of his shell, and all the popish faction tents and points at that in their Old and first Acts of Assemblys, and so it is carryed alonge and all Arts and devises used, to perswade and create fitt turne-coats to bring their purpos step by step to pass, from one degree to another, But wee doe challenge your Turne-Coates viz. your provincially and privat councillors and Collonells and Cheef Officers, for beeing Champions, with the Attournys to judge, advise and maintaine the Lord proprietary's devises in his privat enterprises, with the Assembly men, that betray y^r trust to your Country, for a Collonell's or Captains name and office, or peculiar favour, to the oppression and ruyn of many of the Kinge's poore subjects, as for example Taylor, who beeing speaker in an Assembly An^o— for having directed his Brethren to establish the two shilling for every hogs head of tobacco custom goeing out of the province, by an Act intituled a support for the Lord proprietary's lyff time, to his proper use onely, was therefore exalted into the place of a Councill and Maj^r Gen^l as a speciall favouritt when the said Custom 2. or 3 Assemblys before was onely propounded that it should bee for to defray the publicq charges for the ease of the comon taxes; yet then denied, because not to obstruct free trade and comerce with the Merchants of ovr native Country: produce the Annals of those Assemblys uncorrupted (for the Secretary may tear and forswear, and have the popes pardon for it) or els it will bee witnessed by those which where there present and yet alive. And Natley: speaker of the laest Assembly 1676. for having bespoke the said 2 shilling custom pr hogh^d to my Lords Heyre (signifying Heyres and Successors) and made it hereditary appears now ovr Deputy's Deputy Governor, M^r Warden beeing called into the other world.

Natly, Nat indeed, you and sutch are the instruments, with which my Lord Baltimore worked, and converts the comon good to his privat ends, under the cloak of Assemblys and Assent of the freemen within the Province which is utterly denied. See the old Act of Assembly made the 2 January 1646. at S^t Inagoes fort, for Customs, wherein the Lord proprietary for the same undertaked the whole charge of the Government in peace and warr and in order to that, there was by an Assembly A^o 50. enacted 10. sh^s pr. hh. Custom shipped in Dutch vessells bound for any other port then into England, But this not turning to an Acc^o because that the one halfe was to goe to support the Lord proprietary, The other halfe to

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satisfye the Arreares of the province thy got a repeal enacted A^o 61. and that the Charge of leavyinge any warr, should bee leavied uppon the province, then also came port duties proclayment. with severall other penall lawes with fines to the Lord proprietary; An^o 1662 was out of gratuity for terms of years leavyed 25. lb. tob: pr poll to the liftⁿ Gen^l Charles Calvert then com in Governor from his father Lord Proprietary. Ann^o 64. was a Magazine leavied in his hands, for armes and ammunition, in cause of an invasion, and now thy gott the two shillings pr. hogsh^d tobacco from the Merchants out of the country too, and wee must bear the burthen of Oppression and Taxation in all other respects whatsoever besids.

The now Lord Baltimore has gone to England to make fair weather and left his champions instructed to enforce that treacherous oath aboves^d with an addition, uppon the King's Maj^{ty}'s freeborn Subjects of England againe, som have taken it by perswasion, som by compulsion out of fear and treathnings, others and the most part will not take it, and thy are trethned with banishment and not protection of law, to bee prosecuted as mutinours and rebels, which causes a new disturbance and distraction amongst the people, and hereuppon wee doe appeal againe to owr gracious Kinge and parliament in England, and there pray produce that oath unfalsyfyed and iff y^e escape there to be called traytors to ensnare and for subvertinge the freeborn subjects from the King's Majesty (onely due) Oath of Alleagiance and supremacy, unto the Lord proprietary, wee charge you with treachery and breach of covenant made by an express treaty and composition, made and agreed on, viz: between Cecilius primus proprietary, by his comission and instructions to his then lieftenant and cheef and principal secretary, Philip Calvert (now chancellor) under his Lordship's hand and greater seale of Armes bearing date the 18th day of November A^o 1652 at London the one party: and Captain Josias Fendall his Lordship's governor with the Assembly for and in the behalfe off the freemen of Maryland, held at S^t Leonards the 2 day of April 1658 the other party, upon which the Country (lost by reason of the said Oath by the seavorn fight abovesaid) was yeilded to his Lordship againe, namently: article 6: that the said Oath of fidelity should not bee pressed uppon the people within this province, but an engagement taken and subscribed viz.

Capt: Fendall & others can give a larger Acco if send for and examined.

I. A. B. doe promes and engage to submitt to the Authority of the Right Hono^{ble} Cæcilius Lord Baltimore, and his Heires within this province of Maryland, accordinge to his pattent of the said province, and to his present lieutenant and other officers here by his Lordship appointed, to whom I will be aiding and

assistinge, and will not obye or assist any here in opposition to them. Item, article 7. that no mans arms and ammunition should bee pressed away except those that should appear in a hostill manner. And it was enacted then by that Assembly, viz. findinge these articles greatly conducing to the honor of his Lordship and the peace of the province, as also tendinge to the removall of those feares and jealousies, and to aid the whole inhabitants, have therefore enacted, that the said articles bee to all intent and purposes inviolable observed and confirmed.

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Our great King and Parliament, judge now between your loyall subjects and my Lord Baltemore and his Champions and favorits in Maryland are wee Rebels because wee will not submit to their arbitrary government and entangle our innocent posterity under that tyranicall yoake of papacy? (pray was it not a cruel act to turne a few poore harmles inhabitants out of all thy hath in the midle of a hard winter at the wherekyll, that never hath done any harm to Maryland but submitted immediately, without the least resistance under promised good quarter and save garde, which was after shamefully broak and the poore people ruynated? To such and many the like rigours (the Lord Proprietary's naturall tyrannycall disposition) under the cloake of mutiniers and disaffected persons, thy attempt to force us to bee their asses with their sword-lawes and popish inquisition, which if wee, (and marke wee doe not protest against reall but partiall justice) repulse with ovr English retortsiion, pray who gives occasion to it? and therefore with all humility, cry and flye to ovr gracious Kinge and parliament for relief and protection.

For onely to terrify others, did y^e cause William Davis and to bee fetched bake againe from New Castle uppon delowar, out of his royal Highnes government by force; and hanged them up as if thy hath been ring leaders to a raising in denyall and opposition of the abovesaid oath, uppon the cliffes, not absolutely proved to what intent, neither confessed, neither absolute found guilty by a jury, onely suppository (viz. if the Court found them guilty thy found them guilty, and if the Court did not find them guilty, thy did not find them guilty) and so where executed uppon a stretcht forth chancellors lawe; which wel examined in England, is questionable whether thy would bee condemned as Traytors to the Lord proprietary, because thy would not acknowledge and swear to him for their souveraigne, but deleared themselves onely freeborn subjects to the King and Kingdom of England. But that thy under that Cullour have taxed the Country with a 100 lbs tobacco for every tythable, and fined the conspirators unmercifully exactinge many 1000 of pounds of tobacco into their and

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the proprietarys pocket, is truth, and thether thy stretch all their law proceedings and Acts of Assembly.

O Hypocrits, you whitline your fals metle Actions over with my Lord's and y^r glisteringe paternall care, in a late remonstrance throughout the province published under protestation, wherein yourselfe acknowledge the peoples grievances, and now the chop is done promise that all foure elected Burgesses shall com to the Assembly That Davis was Captain of as an ill branch of a tree (a the like smoth (a turnnip) Attorney's speeches againt which wee declare and protest, that all the good you and my Lord heas done to the Country common good, by exactinge and forcing from the people, so many hundred thousands pound of tobacco, takinge awaye especially within this two years, the fourth parts of poore peoples livelihood and yearly produce out of their labour, and with som that haes greater charges then workers more is That yⁿ have destroyed therewith many 100 of the king's subjects; shewed your folly to the very Indians orriginated the distractions in Virginia and Maryland, and make us and owr wyffs and children crye, flye, trye, pye, paye, suffer and curss you for it.

O yee Assembly men, you have no power to yeeld to all their perswasions and subtelties, to enslave us and our posterity, to give owr labours and substance away with the Customs mony from the Merchants, to maintain my lord a prince and his upstarts Lords here? Have wee not given him gratitud and doth his quitt rent not amount to a vast sum of mony, besides port dutys, fines, escheats, entring, clearing and takeing of ships and vessells, item licences, fees, merchandizing: and a great many other imunities besides a number of mannours, iff he would improve them and plantations &c. All this is yearly extracted out of the Country to particular uses, and the poore people left, to maintain themselves and all other publiq charges, so that there is little difference between them and bondslaves that work 3 days for themselves and 3 days to maintaine others, for set the inland store keepers: the ordinary Keepers; Attournys: and fee officers, aside, which feed upon the people (as the woolves uppon the sheepe) no other is the condition of a poore planter that haes nothing els to trust to, which perhaps from the beginninge havinge worked from hand to mouth for his wyff and children, becoms at length able to buye him a servant or two, may bee 3. Which hee must cloath, dyed and season to the Country and to lerne how to worke and live: and pay taxes and Country leavis for, and may bee, is sikly all the yeare and at laest dyeth, and if his catle and hoghs, most comonly in hard winters, dyes too, away is the planters Estate gone and hee must shuffle and cut amongst the great ones, to begin againe. Others make a fayre outside, whilst

thy live, but after death their debts can not bee payd, and the children have a litle land left, and must trust to the How! Another sort of people gets an Estate by the rule of right and wrong with an intent to bee gone out of this distracted Country: and thus the poore Country is robbed, cheated by the supperiours and inferiours, every one serving their owne turne, without any true feare and worship of God, which denotes that the Country is but in a feeble minority, and onely a good poore man's Country, with their labour for their paines, and therefore wants nurrishinge or els the one will overthrow the other, for what can be expected otherwise then that God will destroy that people that serves Baalam and Belzebub and wooves in sheepes cloaths, tho a great many heas no children for posterity, will you not give som leave to bee Godly minded your hould with that maxim, to keep people in Awe, is to keep them poor, will not houlde longe, nor maintaine the Country, neither is profitable to your reelm of England. Will you overpress poore people in their infancy? This is the way to exasperate men's spirits, to depopulate the Country in stead of increasinge, and iff the proprietary could give us the reall for owr Estates, a great many protestants would leave the Country to him and his papists. Which is the very Neetle the politick compass turns uppon viz. either to turne papists, or to be turned and banished out of the Country in tyme to com by degrees. Which is a miserable extreimity, the poore inhabitants are and see themselves involved viz. with oppression and warr from within, and Hazard of life and Estate by Indians from without. and att hom.

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Wee doe not exclaime against reall and necessary Taxes and Duties, without which the Country can not subsist, but against sutch Fines and leavis that are onely to maintaine my Lord and his Champions in their prince-ship, and not the peoples good nor the Country's welfare.) for now the Country is divided in factions and affections, the papists and other turncoats sworne for the proprietary vapour and domineere, and those w^{ch} houlds to swear fidelity and alleagiance and supremacy to the king and kingdom of England onely are clouded under the out cry of ill membres, and handled accordingly.

Consider further, that notwithstanding all the great reve nues, taxes and leavys the Country stands & remains still in the same continuall danger and unprovidetnes as before, and worse, especially those that lives on the heads of the Rivers and the Bayes, where the people must worke with their guns in the field with a perpetuall fear, for now the Indians seeinge a 1000 Englishmen not over com a 100 in a cowpenn with stekadoes, when thy were besieged all the winter over, 10. Indians will now scare (a plague a 100) inhabitants in the sumer by

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watching their opportunities, in a surprising and treacherous manner, and therefore som are cut of in the field before thy see their enemy or can recover their houses, others are treath-end in their houses, men, weomen and children and the houses pluntered before any neighbour coms to know of it, which is the cause that many plantations are deserted directly (aske the people in patoesk, gunnpowder river, bushriver, susquahana rivers ecorith, & others, neither it is not true, at Ritch: Wilton, was not Longe cut off, his wyff with two children and another weeman, both high with child, and two lusty able men but the third escaped by runninge, and all the house pluntered Ritch: Wilton himselfe beeing at his neighbours att worke and mean while knew nothing of it, and after this manner goes the poore planter to rak, and must pay taxes and leavies for souldiers too, which the great ones keep for their owne defence, but the poore outside plantations must defend themselves as well as they can, which is, every one is listed under a captaine, and when the misschiefe is done, thy press som men to goe to see, and when thy com to the place somtimes after the Indians are gone, and thy buruy the dead, with all the haest thy can and soe returne from whence thy came. The Grandees about S^t Marys and the midle of the Country mean while beeing securely guarded by the outside plantations and able gangs or guarrised, knows nothing of it, nor will beleeve, and therefore upon the people's great complaint, all the assistance that came from owr Governor was of late a proclamation which comanded that 10 men of the neighbourhood should resort together into one plantation and fortify them selves, but if above 10, should assemble together besids the family of the house, should be punished as rebells and mutiniers; and so all is uppon that ketch pray produce that proclamation to the people of England, otherwise no man will beleeve this is true. And thus wee live and goe like unto the butchers sheep in the pastor, and this is owr rulers and proprietary's paternall care, for owr great leavies and doings thy so much bragg off.

O yee Assembly men why are yee so meal mouthed and affraighted to speke the truth and for the people's comon good and the publick wellfare of the Country? Wee doe protest against the assentings and enactings and summons you before owr souveraigne judge and Kings Majesty and his parliament in England, to declare with and for us, uppon your solemne Oaths and consciences as you or either of you will answer the contrary before the great judge of Heaven and Earth, wether this complaint and outcry is not true and the very truth itselfe. Nay that a great many enormities more will be discovered and privat wrongs made appear, when time shall serve, to represent all other transactions.

As yet wee must bee Nicodemusses, or els the inquisition will make som saye that black is white, and therefore breake off with a discovery of ovr priests and Jesuits in Maryland, which wander up and down in England apparrelled as Tradersmen and som otherwise, and so are send over, but as soon as thy com out from the ships shourfoted, appear in their plus ultra in their chapples, (aske Capt. Miles Cooke and his Company how thy brought lately 3 sutch passengers and by order of my Lord in Court hath nothing for their passadge, but a great deal damage with his ship. These blake spirits dispers themselves all over the Country in America, and as is saith have 5. pounds sterling for every turne-coat thy convert, good reason thy make all the haste thy can to set the protestants at odds, to propogate the Pope's interest and supremacy in America, but will not this in time overturne the Protestants, for it is decreed to bring them first into a confusion and ruynated nothing, and then cut of the ashes, the Pope shall spring aloft, and my Lord Baltemore will bee canonised at Rome as thy say Hide is. Thus have they prevayled with the Virginians to hange their best comon wealths men out of the way by advysing Sir Will Barkly to doe as thy did with Davis, which they say kept Maryland in Awe from a raysinge which is fals, for thy did not expect thyr redress by the sword but from ovr souveraigne Lord the King and parliament out of England, which is the legal way, notwithstanding that it is otherwise interpreted by the contrary party, who also say that the papists are no sutch people as thy are blakned. But thy by their canon law not beeinge bound to keep faith with protestants, the protestants are also not bound to beleewe their fayr outsides: Remember the solemne Oath made a few yeares since with Virginia for stending the planting of tobacco that year and to raise corne and stoks, How thy where foresworne and swallowed their oath as Babel use to doe) and therefore say that it is absolute repugnant to the lawes and customs and several Acts of parliament in England and no ways warrantable by Maryland Charter to turne the Province to the Pope's devotion. Liberty of conscience will not, nor cover that neither.

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These Pope's messengers, hould a secret correspondence with the french pater nostres, that com now a days from Canada or Nova Franciæ over the lake into the sinniko Indian Country amongst the Indians, Westcoth if from Newyorke Albany: which Sinnoko Indian beeinge then utter enemys and moste destroyed the susquahana Indian, severall French cam downe in Indian apparrell amongst them, and eversince this 3 or 4 years robbed divers plantations in Maryland, and killed cattle and hoghs, especially uppon Kent Ile, where amongst

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other plúnter thy carryed away the records which was of late redeemed by Governor Andros and returned from Albany, and pray God thy doe not take the susquehana part, and revenge their quarrell uppon Maryland, which thy say haes dealt all ways treacherously with them, which is easily proved true, and no wunder, sence thy noe otherwise doe to their owne inhabitants, and country-people.

And there is good notice to be taken, that whensoever England falls out with France, the French (who is believed hath a great hand in the late New England Indian warr and burning Boston) surroundinge New England, New Yorke, New Jersey and Delowar connivinge with Maryland papists, will with the Indians make Protestants feeble their smart, if not timely foreseen and circumvented by bringinge these several distinct Governments to a better concord and amity instead of enmity one with another, every one maintaininge selfe ownd supremacy, which a Vice Roye or Governor Generallissimo from his Majesty would reconcile, els as there is civill contention so will it at laest breake out in a civill warr and destruction one with another.

O our greate Kinge and souveraigne lord; By your Majesty's Royall appointment, are your Majesty humble and loyall subjects, inhabited in the American parts, to make it a continent for the enlargement of your Majesty's emperial Crowne and Dignity: receivinge a considerable custome, out off the fruit of our labours and industry: Wee humbly pray, suffer not us with our children and posterity after us, to become a sacrifice to Chamoch & Molech.

O great noble and prudent parliament in England commiserate our deplorable condition & tranquillity, and helpe, redress & reliefe us and our children and posterity.

O magnificent Lord Mayor and Aldermen with all the good cittizens and merchants in London and elsewhere in England, whoes off spring wee are, and to whom our labour and industry affords in exchance for the merchandize many a thousand of thousands of returnes, and employment for a great numbre of ships and men, which will increase by God's permission as wee increas and decreas iff wee decreas: Assist, praye and intercede for us and our posterity because our mouths are lokt up, and treathned with destruction iff wee stirr.

1. That our souveraigne Lord and Emperiall Majesty: may bee pleased to take the Government of Maryland unto his gracious selfe; appointing protestant Gov^{rs} that have or shall take first the usuall Oath off Alleagiance and supremacy And to swear and rule the inhabitants accordinge to the custome of England.

2. That the charter of Maryland may bee justice regiorum interpreted and all disorders regulated and overruled, between the proprietary and the good people inhabiting: by his royall Majesty and Parliament for ever.

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3. That the present two shillings p hhds. tobacco from the Merchants or any other Customes hereafter, with som certain fines and Americaments, may bee enacted, and employed, for maintaining the Governor and other support of the Government and publick uses (viz.) building of forts to defend the Country: guarrisons and the little necessities for the common wellfare.

4. That the Lord Proprietary may not exact and oppress his tennants but bee satisfyed to receive the quitt rent in tobacco at two pence per lb as now it is both in Maryland and Virginia beeing no other silver and gold in the Country.

5. That Protestant Ministers and free schools and glebe lands may be erected and established in every Country, notwithstanding liberty of conscience and maintained by the people: Item the free men to choose their delegates & those free votes in the Assemblys; to enact for the comon Generall good for the people and Country; without any by respect, compellment and perswasion or interruption.

6. That in case of any emergent necessity, the freemen may have a gracious recours and appeale to ovr gracious King into England And iff his royall Majesty would pleas to send or cause to com over 6. or 700 good resolute Scotts Highlanders, to seat on the head of rivers and the Baye, beeing men supposed onely fitt to encounter with the Indians, and keep the French robbers at a distance, thy would bee a great save guard to the Country, with the helpe of the other Inhabitants.

God bless and preserve ovr glorious Majesty and souveraigne Lord Charles the II. King of England, Scotland France and Ireland, and all the English Provinces in America, Defender of the Faith. With his illustrious and puisant parliament in the Twenty and eight year of his Majesty's Imperiall Dominion Amo: 1676.

A true Copy out of the Acts of Assembly Ann° 1650. in
Maryland: for taking an oath of fidelity to the
Lord Proprietary:

Be it enacted by the Lord Proprietary with the advice and consent of the upper and lower house of ovr present Assembly: That every person from time to time inhabiting or residing within this province, and sutch who have or shall from time to time have any Estate, and be at any time in person within the same, shall take the oath of fidelity to the Lord Proprietary of this province, to be administered unto him or them respectively

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upon the Holy Evangelists by the Lieutenant or Chiefe Governor of this province for the time beeinge, or by sutch person or persons as he or the Lord and proprietary of this province, or his Heirs, Lords and proprietarys of the same shall from time to time appoint and authorize for the administration thereof as aforesaid. And if any person or persons which either are or hereafter shall bee within this province, shall at any time within the same, refuse to take the said oath upon the said Holy Evangelists, according to the true intent and meaning of this Act, when it shall be so administered unto him or them respectively as aforesaid, he and thy respectively so refusing, shall forthwith after such refusall be expelled and banished this province, and not returne into it againe without leave from the Lord proprietary or his Heirs Lords and Proprietarys of this province, or his or their Lieutenant or Chiefe Governor of the same for the time beeinge. And if any person or persons who shall be expelled or banished for sutch refusall as aforesaid shall be found in any part of the said Province 30 days after sutch refusall, or shall afterwards returne into any part of the said Province, without sutch leave as aforesaid, or shall after sutch returne at any time againe refuse to take the said Oath upon the said Holy Evangelists, according to the true and meaning of this Act, when it shall be againe at any time so administered unto him or them respectively: shall bee subject to sutch fine and imprisonment as the Lord and proprietary of this Province, or his Heirs Lords and proprietarys of this Province shall think fitt or in his or their absence out of this province, as his or their Lieut: or Chiefe Governor and Privy Councill of this province for the time beeinge, or the Major part of them, whereof the said Lieutenant or Chiefe Governor or his deputy beeinge one of the said Privy Councill to bee all wayes one and to have a negative voyce, shall think fitt, and the oath and tittle thereof intended by this Act is as followeth

The Oath of Fidelity to the Lord Proprietary
of this Province

I. A. B. doe sweare that I will bee true and faithfull as long as I shall bee a Member of this province to the Right Hon^{ble} Cæcilius Lord Baron of Baltemore Lord Proprietary of this Province of Maryland and the Ilands thereunto belonging, and to his Heirs Lords and Proprietarys of the same, and to his Lieut: or Chiefe Governor here for the time beeinge, and will not at any time by word or actions in publick or in privat, wittingly or willingly any way derogate from, but will at all times as occasion shall require, to the uttmost of my power, defend and maintaine all sutch his said Lordships and his

Heirs just and lawfull Right, Tytle, Interest, privileges, jurisdictions, prerogative, proprietary and Dominion, over and in said Province, and llands there unto belonging, And over the people who are and shall be therein for the time beeinge: and also use my best endeavours, to prevent any plott, conspiracy or combination, which I shall know or have just cause to suspect, is or shall bee intended, against the person of his said Lordship or which shall tend any wayes to the disinherison or deprivation of his Lordship or his Heires, their Right, Tytle and jurisdiction and Dominion aforesaid or any part thereof. And I doe swear that I will not, either by myselfe or by any other person or persons directly or indirectly take, accept, receive, purchase or possess any lands, tenements or hereditaments, within the said Province of Maryland, or the llands thereunto belonginge from any Indian or Indians, to any other use or uses but to the use of his said Lordship and his Heirs Lords and Proprietarys of this province or knowingly from any other person or persons not deriving a legal Tytle thereunto by from or under some grant from his said Lordship or his Heirs Lords and proprietary of this Prowince legally passed or to be passed under his or their great seal of the said province for the tyme beeinge: So help me God,

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Another Act for punishment published
the same time.

That all mutinous or seditious speeches, praktises or attempts without force, tending to divert the obedience of the people from the Lord proprietary etc: proved by 2 sworn witnesses shall bee punished with imprisonment duering pleasure, fine, banishment, boaringe of the tongue, slitting of nose, cutting of on or both ears, whipping, brañding in the hands or forehead. etc.

And all mutinous or rebellious speeches, praktises or attempts with force, and for the publishing establishing or advanceinge any other Right or Tytle to the propriety or Dominion of this Province then by Right and Tytle of him the said Lord Baron of Baltemore, and all accessorys, shall be punished with loss of hand, pains of death and confiscation of all lands, goods and chattles, banishment, imprisonment duering life etc.

There is also another Act (published at the same time) called the Act of recognizon of the lawfull and undoubted right and Tittle: Wherein the Proprietary got himselfe acknowledged (by that then Assembly) the only true and absolute Lord and Proprietary &c. engaging the people to submit to all his powers Jurisdiction and Authority etc: viz oblidginge their

P. R. O. Heirs and posterity for ever untill the laest drop of blood bee
Colonial spent, to maintain, uphold and defend his Lordship and his
Papers. Heires in all his Royall Rights, Jurisdiction, Authority, præemi-
nences. etc.

Out of the aforesaid Acts and the complaint abovesaid your Magitians or Astronomers can easily discover what under that vizur is masked.

O that it where put in print and recorded to poore ignorant and innocent postery, to beweare and have a care.

P. S. There coms Baltimorian spyes to the Court out of Maryland, to serve for Knights of the post (papacys) and divulge contrariety?

P. S. Now begins the second part of the late tragedy: for my Lord Baltemore having made a league offensive and defensive with the Piscatatory Indian, before he went to England (The offended Susquahana Indian, the Sinnicoes have taken into their friendship and protection again) and left the Country in feare and danger of a longe destructive warr and occasion enough to press men and peoples Estates, to make ritche Officers leasy souldiers, and poore planters. For the Susquehana Indian have ben intreated for a peace, but will make none.

(Endorsed)

These

For the Right Hon^{ble} the Lord Mayor and Alldermen, with the Hon^{ble} Citizens and Merchants in London.

pray deliver this with
speed and care.

Letter from the Governor of Maryland. 22. Jan: 1676.

Wiccomonico in Maryland.

Right Hon^{ble} Sir,

My last to you was of the 16th past. The most considerable affair that I am at present to acquaint you with is about the Sennico and Susquehannoh Indians, who have had the beginning of December last a small encounter at Jacob Young's house, the intelligence came but to me on Tuesday last, upon which I have taken the most effectually care I could at present for the security of Baltemore and Cecill Countyes, and since the whole circumstances would cause my letter to swell to too great a bulke, I have therefore herewith sent you the foure originall letters I received from the Head of the Bay relating to it, as likewise Copies of my orders and Commissions to Stanby and Welt, for their regulation in their Jurisdiction, all which three days since I sent open to the Chancelor for his view and

approbation, and so ordered him to send them into Anne Arrundell County for conveyance, upon all which I sent the Chancellor my reflections upon the said Intelligence, my opinion how to proceed, treat with or against all manner of Indians as soone as the Spring approaches, for if wee be not timely in adjusting all matters with them at spring, we shall be surprised by them, and your Lordshipp's Province will receive much damage, before wee are sensible from whence our Mischief proceeds, therefore I shall take all imaginable care to be at peace both with the Sennico and Susquahannoch, especially with the Sennico if to be obtained, they being the greatest and most considerable Nation, and our league with them will occasion our security from the Delaware or Masquas Indians, especially if those two Nations should warre upon each other, then it will occasion the Masquas not to make those excursions he usually doth, and invade us, which otherwise it's probable he may, especially if the Susquahannoch and they confederate they being both Nations the bloodiest people in all these parts of America. The Copy of mine to the Chancellor and his answer and concurrence with my opinion upon the whole I also herewith send your Lordship for your perusal and consideration, so as to the Indian affair I shall need say no more, onely to lett you know, that the Pascattaway Indians and the small nations thereabouts, as also the easterne shore Indians are all at present neibourly and quiett, and as yett wee have no reason to suspect they will bee otherwise; God grant us to enjoy peace with them all, for this last publicke leavy being 297 p pole and the great leavy the yeare before, hath given occasion for malignant spiritts to mutter, and without our great care of your Lordshipp's affairs may cause some of them to mutiny, for the common people will never be brought to understand the just reason of a publicke charge, or will they ever believe that the expences for their own preservation, although never so apparent. Since General Davis and Pate were hanged the Route hath been much amazed and apaled. God be thanked wee now enjoy peace among ourselves, and though never Body was more repleat with Malignancy and Frenzy then our people were about August last, and they wanted but a monstrous head to their monstrous body. But God be thanked wee now enjoy peace, and have greater reason to hope for its continuance, then wee have had this 12. month past. for about 25 or 20 days since there hath occurred the greatest Revolution in the Virginia affaires, that can possibly be imagined, for as the beginning of their Rebellion was grounded upon madnesse and folly, and so continued in its whole progresse, so the wheele hath turned againe as wonderfully and swiftly, in the submission of all the chief

P. R. O. Rebels to Sir William Berkeley, so say, Ingram the Titular
Colonial Generall, who succeeded Bacon, and his Lieut: Genⁿ Wallett,
Papers. and our noble captaine alias Coll: Brenington, and all their
men, and but 3 Rebels of note stand out, and they but with
few men, but they have been dureing the whole Rebellion the
Bell weathers of the rest, so say, Laurence, Drummond, and
Arnold, and they suddainely expected to be taken either dead
or alive, so that now Sir W. Berkeley is once more established
in his Governm^t, but how long will keep it, I know not, I feare
the warme weather when it comes may produce another
swarme, that may have as venomous stings, as the late trayt^r
had, especially if no shippes from the King arrive, with some
persons to settle affaires in Virginia in better order, than I
imagine those that are now in Power there can doe; There
must be an alteration though not of the Government yet in the
Government, new men must be put in power, the old ones
will never agree with the common people, and if that be not
done, his Maj^{tie} in my opinion will never find a well settled
Government in that Colony; I shall forbear to particularize
any further, as to the Virginia affaires. The Master of this
shipp will give a more particular account than I can now write.
Wee are all in a maze that no King's shippes nor other shippes
are arrived from London here since Dunch and 2 or 3 Lon-
doners, which came into Virginia about the same time with
him; and I cannot imagine the reason of the long stay of the
shippes expected. I have been the more copious that your
Lordship may be able to informe his Ma^{tie} of the state of
affaires, for I suppose this ship is the first for London this
yeare; and do believe she will carry no letters from Sir W.
Berkeley &c.

My Lord &c

Tho: Notley.

P. S. The Indians in Virginia are as bold and rampant as
ever they were, by advice from Coll: Spencer last weeke I am
informed, that they have within these 14 days killed 35 per-
sons of the English, and I believe if the Virginians doe not
make peace with them, there may be as great slaughter made
this yeare among his Ma^{tie}'s subjects there, as ever was since
the Country was seized. Coll: Spencer has sollicitied me in
behalf of Sir William for a Lycence to treat with our Mataw-
oman Indians, to goe out with them after those Indians, w^{ch}
have committed those Murthers, which being for the King's
service I have granted provided the said Wattawoman Indians
are willing thereunto, at least 500 of his Ma^{tie}'s Subjects have
been murdered by the Indians within these 12. months.

CLAIBORNE'S PETITION

AND

ACCOMPANYING PAPERS.

MARCH 13, 1676-7.

To the Kings Most Excellent Majesty.

The Humble Petition of Coll: W^m: Claiborne a Poor
Old servant of your Majesty's father & Grandfather.

P. R. O.
Colonial
Papers.

Most Humbly Showeth

That your Petitioner being one of the Councill of State to your Majesties Grandfather: & after also secretary of state to your father of Glorious Memory: by there speciall Commands under the broad seale of England unto the Governour of Virginia By whome he was sent out to discover & gaine a great trade of Beavers & Furrs which the Duch Nation then usurped to themselves: And accordingly the Petitioner att his owne charge and in his owne person performed & to that purpose discovered & planted the Ile of Kent: & the Bay of Chesepeack which then well succeeding: The Old Lord Baltimore takeing notice thereof: Provided a Patent for the same . . Pre- tending it was unplanted and since by force of armes in a Hostile maner though forbidden by the then King: expelled the Petitioner and takeing away his Estate to the value of above Ten thousand pounds sterling in Goods Catle Servants & many Plantations thereon which the Grand Assembly of Virginia hath lately instanced and presented to your Majestie as a great greivance of the Country: and hath been neare the utter undoeing of your Petitioner & family now in his old age: His younger yeares being most spent in his Discoveries & warrs against the Indians as Chiefe Comander.

Wherefore your Petitioner Humbly prostrates himself at your Majesties feet for speedy justice in so Lamentable a case and he shall ever Pray.

W. Claiborne Sen^r.

This Petition of William Claiborne Senior being presented to us for a Grievance to be laid before his Majesties Royall Consideration, wee have accordingly here given in the same seperately and by itself, as an affaire which concernes a whole peculiar Province, and which has heretofore beene before his Majesties Royal Father (of blessed memory) and most honorable Councill; without any decision being made therein, is now again most humbly tendered to his Majestie to determine

P. R. O. thereof according to his Royall wisdom, and to remaine under
Colonial consideration till such time as the persons concerned, or some
Papers. sent over hither by and from the Petitioners shall arrive to
negotiate the same in England, which wee are not impowered
or concerned to doe.

To his Majesty's Commissioners for the Settlement of Virginia in these troublesome times of Rebellion and Generall disturbances.

The humble Representation of the Colony and Assembly of Virginia Shewing:—

That all the time since the dissolution of the Virginian Patent not only then but ever since they have from time to time received assurances under the Broad Seal of England and by many other ways and declarations from the then King and ever since from time to time that their estates should be in all respects conserved and in no sort prejudiced. During which time the Petitioner Co^{ll} Claiborne hath been resident in Virginia and enjoyed as a Councillor and Secretary of State there the benefits thereof and did accordingly by virtue of Commissions under his Majesty's Government and Seal of Virginia and by expressed directions from the Commissions under the Broad Seal of England discover and plant the Isle of Kent.

From time to time it continued under the Government of Virginia, warrants were directed to arrest men at the Isle of Kent; one man was brought down and tried in Virginia for felony and many were arrested for debt and returned to appeare at Iames City; and so in many particulars.

It continued under the Government of Virginia untill Lord Baltamore's officers came and expelled us by force of armed men severall times, but especially they wounded and then hanged our men without any tryall of Law, or any just cause given; they took away all our goods, servants and Cattle there and in like manner they displanted us at Palmers Island out of their limits in Susquohanouh River: All this they did to us though we presented them and gave them Copies of his Majesty's commands to the contrary, strictly commanding them not to molest us to which we had no other answer, than slighting and contempt.

March
13. 1676/7.

W. Claiborne.

By the Governor and Captaine generall of
Virginia.

To all to whom these presents shall come I Sir George Yeardley Knight Governor and Captaine generall of Virginia send greeting in our Lord God everlasting. Whereas there remain divers places and parts of this Kingdom of Virginia

altogether unknown unto us and not yet discovered by any since the beginninge of the Colonie, by the search and true discoverie whereof the bounds and limmitts of this plantation may be farr augmented, and such other Comodities found out, as may be for the benefitt and good of the people inhabiting in the same. Now Know you that I the said Sir George Yeardley at the earnest suite and requeste of my welbeloved friend William Claybourne Esq^{re} Secretarie of State intending this Springe to imploy himself with a sufficient Companie of men in a shallope for discoverie of the Bottome of the Bay of Chesepeck greatly favoringe and affecting the preservation and happie success of soe good an accōn, doe by these presents give full power and authority unto him the said William Claybourne to goe and make his voyadge and saile into any the rivers Creekes ports and havens within the said Bay of Chesepeacke or into any other part or parts of this Colonie and there to trade and truck with the Indians for furs skinns corne or any other comodities of what nature or qualitie soever they be and for the better mannadging and good orderinge of all matters and occurrences in his said voyadge I do hereby give full power and authority unto the said William Claybourne to governe, correct and punnish such of his his said company as shall offend or be delinquent in anything, according to the laws and customes of the Sea (life only excepted) and this commission shall continew in force for and during the tyme of his said voiage and retourne from the same. Given at Iames Citty under my hand and seale of the Colonie the 27th day of Aprill. 1627.

P. R. O.
Colonial
Papers.

George Yeardley

By the Governor and Captaine generall of Virginia.

To all to whom these presents shall come I Iohn Pott Esq^{re} Governor and Captaine Generall of Virginia send greeting in our Lord god everlasting. Whereas there remaine dyvers places and partes of this Kingdome of Virginia not yett discovered since the beginning of this Colony, by the search and discovery whereof the bounds and limitte of this plantation may be far augmented and such other commodities found out as may be for the benefitt and good of the people inhabiting in the same. Now know yee that I the said Iohn Pott out of the good opinion I conceive of the sufficiency and experience of William Clayborne Esq^{re} who intendeth this Sommer to employ himself with a sufficient Company of men a shipp and other necessary provisions requisite for such a voyage to discover the parts and territories of this Colony situate and lying to the Southwards of this place as also of some particular places

P. R. O.
Colonial
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to the Northward and in the Bay of Chesepeiacke and greatly favouring the prosecution of such enterprises tendeth so much to the enlargement and welfare of this Colony doe by these presents give full power and authority unto him the said William Clayborne to goe and make his voyage and saile into any the Ryvers Creekes portes and havens within the said Bay of Chesepeiacke or into any other part or parts of this Country within the degrees of 34 and 41 and there to trade and trucke with the Indians for furies skins Corne or any other Commodities of what nature or quality soever they bee. Willing and requiring him the said William Clayborne with all diligence and circumspection to be carefull in the guard of himselfe and Company against the treacherous plotts of the Salvages that soe such as bee our enemies may be prevented in any evil which they shall imagine or practize and such of them as remaine and bee in termes of amytie and friendship receive noe just cause of distast or wrong And for the better mannadging and execution of all matters and occurrences and repressing of all disorders and mutines incident and happening in his said voyage I doe hereby give and grant unto the said William Clayborne full power and authority to Govern correct and punishe such of his said Company as shall in any wise bee delinquent or obstinate to his authority and Command according to the Lawes and customes of the Seas, and as hee in his best discretion shall think fitt life only excepted. By these presents willing and requiring all and every person and persons accompanying him in this his said voyage willingly and readily to obey and execute to their best power all such Commands and directions as they shall at any time receive or be required to doe by the said William Clayborne. And this Commission shall continue in force for during the terme of six months next after the date hereof Given at James City under my hand and the seale of the Colony the thirteenth daie of March in the fourth yeare of the reigne of our Sovereigne King Charles of England &c. Anno Domini 1628.

John Pott.

By the Governor and Captaine generall of
Virginia.

To all to whom these presents shall come I John Pott Esq^{re} Governor and Captaine generall of Virginia send greeting in our Lord God everlasting. Whereas by the Cruellty and treachery of the Indians we are in many waies justly provoked and incited to undertake a continued and settled course of warre against them to there utter exterpatation and ruine wee being better inhabled thereunto by those numbers of persons which have lately arived and augmented this Colony. After

soe many yeares tyme in which wee have rather seemed to forbear than prosecute so just a revenge as they have deserved. Now know yee that I the said Iohn Pott according to an Acte of Court to that purpose made and established the nynth daie of this instant Iuly, out of the good opinion I conceive of the valour, care and sufficiency of my wellbeloved friend William Clayborne Esq^{re} doe by these presents nominate and appoynt him the said William Clayborne Captaine and Commander of all such forces and Companies of men as are or shall bee levied or sett forth for that imployment. Willing and requiring him the said William Clayborne to imploy himselfe and Company by all the waies and meanes he can to destroy and pursue the Indians of these territories adjoyning (whoe have beene eyther principals or accessories and ayding to the murder of our men by cutting down their corne surprising them in their habitations intercepting them in their hunting, burning their townes distroying their Canoes and weares and depriving them of whatsoever may yeld them succour or reliefe. Gyveing and granting unto him the said William Clayborne full power and authority to commande governe and directe and if neede require to punishe and correcte, all offending persons, as hee in his discretion shall thinke fitt his authority in such cases extending soe farr, as by virtue of his Majesty's Commission I may derive unto him straightly chardging and commanding all such as shall accompany him in this expedition to bee subjecte and obedient unto the directions and commands of the said William Clayborne in such matters and things as hee shall thinke fitt from time to time to give unto them. Gyven at Iames Citty the two and twentieth daie of Iuly Anno Domini 1629 and in the fift yeare of the reigne of our soveraigne Lord Charles by the grace of God of England Scotland France and Ireland King defender of the fayth &c. and in the three and twentieth yeare of this plantation.

P. R. O.
Colonial
Papers.

Iohn Pott.

Signed Charles R.

Charles by the Grace of God King of England Scotland Fraunce and Ireland Defender of the faith &c: Whereas our trustie and welbeloved William Clayborne one of the Councell and Secretary of State for our Colony of Virginia and some other adventurers with him have condescended with our trustie and welbeloved Councillor of both the kingdomes Sir William Allexander Knight or principal secretary for our kingdome of Scotland and others of our loving subjects who have charge over our Colonies of new England and new Scotland to keepe a course for interchange of trade among them as they shall have occasion as allso to make discovery for increase of trade

P. R. O.
Colonial
Papers.

in these partes and because wee doe very much approve of all such worthie intensions and are desirous to give good encouragement to their proceedings therein beeing for the releefe and comfort of those our subjects and enlargement of our dominions These are to licence and authorize the said William Clayborne his associates and Company freely without interruption from time to time to trade and traffique for corne furies or any other comodities whatsoever with their shippes men boates and merchaundize in all seas, coasts, rivers, creekes, harbours lands and territories in neere or about these partes of America for which there is not already a patent graunted to others for sole trade and to that effect wee require and command you and every one of you and particularly our trusty and welbeloved Sir Iohn Harvey Knight Governor and the rest of our councell of and for our Colonie of Virginia to permitt and suffer him and them with their said shippes boates merchaundizes catttell marriners serveaunts and such as shall willinglie accompany or bee employed by them from time to time freely to repaire and trade to and agen in all the aforesaid partes and places as they shall thinke fitt and their occasions shall require, without any stopp, arrest, search hindrance or molestation whatsoever as you and every of you will answer the contrary at your perills giveing and by these presents graunting unto the said William Claybourne full power to direct and governe correct and punnish such of our subjects as shall be under his command in his voyages and discoveries and for his soe doing these presents shall be a sufficient warrant. Given at our Mannor of East Greenwich the 16th day of May in the seaventh yeare of our Raigne 1631.

To our trustie and welbeloved our
Governor and Councell of Virginia
and to all our Lieutenants of
Provinces and Countries in
America Governors and others
having any charge of Colonies
of any of our subjects and to all
Captaines and Masters of Shippes
and generally to all our subjects
whatsoever whome these presents
doe or may concerne.

William Claiborne enters upon the Isle of Kent unplanted by any man. But possessed by the Natives of that Country with about 100 men and there contracted with the natives and bought their right to hould of the Crowne of England to him and his Company and their heires and by force or virtue thereof William Claiborne and his Company stood seized of the said Island about 3 yeares after his Majesty's Graunts a

Patent to the lord Baltimore from 38 degrees to 40 of lands unplanted.

P. R. O.
Colonial
Papers.

That Claiborne having planted and stocked the Island the lord Baltimore claimeth the Island to be within his Degreese and soe enters by force and seized upon the Island and keepeth the same and all the stock and Cattle there upon the value of £7.000 and the same deteyneth by force.

[Indorsed]

Capt. Wm. Claiborne's Case stated against
Lord Baltimore

Vera Copia

By the Governor and Captaine generall
of Virginia.

To all to whom these presents shall come I Sir Iohn Harvey knight Governor and Captaine generall of Virginia send greeting in our Lord God everlasting Whereas my trusty and well beloved freind, Captaine William Clayborne Esq^{re} & one of the Councill of State for this Colony, hath desired for encrease of trade and commerce to obtaine this my commission to sayle and traffique into the adjoyneing Plantations of the Duch, seated upon this territory of America, which may tend to an intermutuall benefitt wherein wee may be useful one to another. Now know yee that I the said Sir Iohn Harvey, out of the good opinion I conceive of the discretion and understanding of the said Captaine William Claiborne doe by these presents, with the consent of the Councill of State, licence and authorize him the said Capt: William Claiborne with the first conveniency of wind and wether to sett saile from hence in such Barques and pinnaces and with such Company of men as shall willingly accompany him, and to goe unto the said Plantations of the Duch or unto any other English Plantations, or to such other Rivers, Harbors and places, as hee shall find occasions. Prayinge all Governors, Captaines and Commanders thereof and all such whom it may concerne to yeld and afford unto him and them all lawfull faver and respect, they beehaveing themselves fairely and honestly in all things. Giveing and by these presents granting unto him the said Capt: William Claiborne full power and authority to direct and governe such persons as shall accompany him in his said voiage. Given at Iames Citty the eight day of March Anno Domini, after the computation of the Church of England 1631. And in the five and twentieth yeare of this Southerne Colony of Virginia.

Iohn Harvey.

P. R. O. James Cittie.
Colonial
Papers.

The 14th March 1633. (-4.)

Present

Sir Iohn Harvey Knight Governor.

Capt. Iohn West
Capt. Sam: Mathew
Capt. Claiborne
M^r W^m Farrar

Capt. Iohn Utie
Capt. Tho: Purfry
Capt. Hugh Bullock.
Capt. W^m Perry.

Captaine William Claiborne requested the opinion of the Board how he should demeane himself in respect of the Lord Baltimore's Patent and his deputies now seated in the Bay for that they had signified unto Capt: Claiborne that he was now a member of that Plantation and therefore should relinquish all relation and dependancy on this Colony.

It was answered by the Board that they wondered why there should be anie such question made. That they knew no reason why they should render up the right of that place of the Isle of Kent more then anie other formerly given to this Colony by his Majesty's Patent and that the right of my Lords graunt being yet undetermined in England we are bound in dutie and by our oaths to maintaine the rights and privileges of this Colony. Nevertheless in all humble submission to his Majesty's pleasure we resolve to keepe and observe all good correspondancy with them no way doubting that they on their parts will intrench upon the Interests of this his Majesty's Plantation.

At Patuxon.

Die 20^{mo} Junii Anno Domini 1634.

The questions that were demanded of the kinge of Patuxon by the interpretor in the pretence of Captaine Samuell Mathew, Captaine John Uty, Captaine William Peirce and M^r Thomas Hinton, and likewise in the hearing of M^r George Calvert, M^r Frederick Winter and divers others, Captaine Clayborne also being there.

Att our goeing ashore the Interpretor was first sworne uppon the Holy Évangélists, that to the best of his understanding hee should truely and faithfully deliver the questions following, and the king's answers, as neere as hee could to the true meaning thereof, without favour or affection, spleene or malice, or any respect whatsoever. The persons above named went ashore where the Indians whose names followe came unto us. All private conference was forborne with them And we told the kinge that wee had some busines to speake unto him, whereuppon he made choice of those Indians, and went to a place aparte viz. Wannis the greate kinge of

Pascatycon, Nenamattin Nicottanine, Wantemaco Damahock
Papuckggh Channanotiman Councillors Errammakondah Mon-
checuttah Macheroatak.

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Firste hee was told that foure of the Councillors of Paskey-
sayes and the Governors brother of Maryland and Leifetenant
Winter were come to see him, In regard that they heard hee
was a good and discreete man, and a greate lover of the
English nation.

The answer of the kinge of Patuxon

It is true I am a lover of the English nation, and there shall
none of them bee killed by my meanes, but perhaps some idle
fellowe of my people might meete with an Englishman hunting
which might perhaps kill him ; but if any one did I will bring
the man unto you and you shall kill him, soe there shall not
one dye but two.

The second question.

That wee are come to bee resolved of some words that
Captaine Fleete hath related unto the Governor of Maryland
and wee earnestly desire him to speake the truth being it may
concerne the lives of some of our men.

The answer.

He answered with some earnestnes because wee seemed to
doubt that he should reporte any thinge but truth, that hee
would not lye in any thing that wee should aske him, but
would speake the truth.

The third question

Wee demanded the reason why they conceived the inhabit-
ants of Maryland to bee Waspaines.

The answer

That at their first comeing, some of the Indians who were
none of the greate men nor of the Councell did thinke the
Marylanders to bee Waspaines, But afterward this my Cosen
Maichicuttah pointing to him) comeing from Yawocomico did
bring the newes to us that Capt: Fleete should tell him, that
neither Captaine Clayborne nor Captaine Fleete himselfe nor
Mr Harman should trade with them but only the English of
Yawocomico and therefore they thought them to bee Was-
paines.

The Fourth question.

Whether they ever heard Captaine Clayborne reporte that
the English of Yawocomico were Waspaines.

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The answer

To which hee answered noe, and that Captaine Clayborne did never speak any thing to him of them.

The question was further demanded whether the kinge of Pascatacon or any other Indians present did heare any such words spoken by Capt: Clayborne to them, or to any other. To which they all particularly made answer noe.

The Fifth question.

Whether Captaine Clayborne at any time hath consulted or practised with them or any other Indians, to fall out with or destroy the inhabitants of Maryland, or whether he knowes of any other English that hath or doth practice the same.

The answer

He answered noe, which should Captaine Clayborne thinke soe whereas I have often told him heretofore that if I had a greate baskett full or Roanoack given mee I would not consent to the death of any English man. The kinge of Pascatacon likewise and all the rest of the Indians present did say that they know of noe such consultation or practice Captaine Clayborne ever had with any Indians concerning the destroying of the English at Yawacomico.

It was further demanded of the kinge of Patuxon whether hee had any such talke as is before mentioned concerning Captaine Clayborne with Captaine Fleete at his late being at Yawacomico with the Governor of Virginia, to which hee answered, hee said hee had a little talke in the house abourd the ship all the ordinary men being put out, and the dore shutt, and said there was present the Governor of Virginia lying alonge, and the Governor of Maryland sitting, and George Calvert and Leifetenant Winter being present alsoe, with some others, and that Captain Fleete came to him and asked who was it that said the Governor of Maryland was not a kinge. To which hee answered noe body, Captaine Fleete replied, nay, but it was some body and urged him very much, whereupon hee answered that John Tompkins did said soe, and that the Governor of Maryland was noe kinge but a greate man, and a rich man, and that the greate man of all was not come over himselfe but had sent his brother to live till hee came. Then Captaine Fleete said, what said Captaine Clayborne to you. The Kinge answered, nothing, Captaine Fleete replied, what said Wingatonkah, meaning the interpreter. The Kinge answered nothing, The Kinge said I am very angry that Captaine Fleete should belye mee thus, and setting up a sticke before him often said I would Captaine Fleete were sitting

there, and Wingatonkah by him, and hee should heare, I would tell him hee lyed, Againe hee said It is very troublesome Captaine Fleete should belye mee thus It is not to bee beleived what Captaine Fleete doth said, hee doth lye soe much And hee wondered why wee should take notice what Captaine Fleete said in that kinde, whereuppon it was told them that this gentleman of Yawacomico did not knowe Captaine Fleete soe well as wee of Virginia becaus they were lately come.

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Then all the Councillors and Indians present said, when they came to speake with Captaine Fleete, all the lyes would redound uppon him and lye uppon him as high as his necke, and at last breake his necke.

Then Errammahonda asked the king of Pascatacon leave to speake one thinge which Captaine Fleete had said lately at Pascatacon in his hearing, Att first the Kinge said let it alone, then presently the Kinge of Pascaticon said to the Kinge of Patuxon doe you tell it who replied I will meddle with that wherein Captaine Fleete hath belyed mee, and nothing else, At last the Kinge of Pascaticon said to Errammahonda, I care not if you tell it, Then Errammahonda said that Captaine Fleete bad him tell Captaine Clayborne that the greate men of Pasbehayes would kill him and that it would bee in vaine for him to runne away any where, for that if hee goe to the Isle of Kent the greate men can fetch him there, And if he runne away any where among the Indians I will have six Indians for tenne armes length of Roanoake a peice to fetch him to mee for I am hee that am appointed kinge of Pascatacon confessed that Captaine Fleete did bid him take heed that he should have a care hee came not abourd Captaine Clayborne's boate becaus Capt: Clayborne would take him prisoner and tie his armes.

Geo. Calvert.
Frederick Winter.

Sa: Mathewes.
John Uty.
W^m Peirce.
Tho: Hinton.

After our verie heartie Commendations wee have thought fitt to lett you know that His Majestie of his Royall favour and for the better encouragement of the Planters there doth lett you knowe that it is not intended that the interests which men had settled when you were a Corporation should bee inpeached that for the present theis may enjoye there estates and trades with the same freedome and priviledges as they did before the recalling of there Pattent, to which purpose alsoe in pursuance of His Majestie's gracious intention Wee doe hereby authorize you to dispose of such proportions of Lands

P. R. O. Colonial Papers. to all those Planters, being freemen, as you had power to doe before the yeare 1625. Wee have alsoe thought fitt to recommend unto you in perticuler Capt: William Button in regard of the services done by him to the Plantation as wee are informed and is best knowen to yourselves requireing you to allowe him so much Lande-on either side of the River Appomattock where it may bee most convenient for him as hath bine here to fore usually graunted for himselfe and soe many Servants as he hath or shall now transport, And for your further powers it is now had in Consideration and you shall shortly knowe the King's further pleasure and soe wee bid you heartily farewell from Whitehall the 22nd of July A. D. 1634.

your verie loveing freinds

Tho: Coventry.

Manchester.

Francis Cottington Kellie Edw: Newburgh.

Thomas Jermin.

Francis Windham.

Governor and Councell
in Virginia.

In the Records of Mariland of the Right Honorable Cecilius Lord Baltimore his Instructions unto his Brother Leonard Calvert and others his lordshipps Comissioners for the Government of Mariland

Dated the 4th Sep^r 1634.

The Eight Instruction is in the Words following

That if possibly they can without notable prejudice to there owne Collony for want of sufittient strength to defend themselves and that Cap^t William Claiborne at the arivall of theis Instructions continued his unlawfull courses and have not submitted himself unto his lordships Patent they seis upon his person and detain him close prisoner at S^t Maries upon that accusation against him in Cap^t Fleetes examination and that other they have found since against him for which his lordshipe conceiveth by his former Behaviours there will not be wanting cause enough one his parte that they likewise take possession if they can of his Plantation in the Isle of Kent till upon Notice given thereof to his lordships they have further directions what to do concerning him.

At the latter end of theis instructions signed With

Cecilius Baltimore.

[Indorsed]

Lord Baltamore's Instructions to his Brother Le. Calvert ag^t
Capt. Wm. Claiborne.

Vera Copia

At a County Court holden at S^t Maries on the 12th Feb: 1637. P. R. O.
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before { The Lieutenant General
 { Captaine Robert Winter Esq^{re}
 { John Lewger gent: Secretary of the Province.

The Sheriff returned for the grand Enquest, 24 freemen, viz:

| | |
|---------------------|--------------------|
| Thomas Greene gent: | Christopher Martin |
| Marmaduke Snow | Thomas Nabbs |
| Francis Rabnett | John Courtis |
| John Price | Thomas Morris |
| Henry James | Thomas Baldridge |
| Andrew Chappell | Nathaniel Pope |
| John Robinson | Robert Vaughan |
| Henry Bishop | John Smithson |
| Thomas Franchlin | Robert Percy |
| John Medly | James Cauther |
| Francis Gray | Rainold Fleete |
| John Halfehide | Isaac Edwards. |

who appeared, and chose for their forman, Marmaduke Snow. And were sworne truely to enquire and true presentment to make of all such bills as should be given them in charge in behalfe of the Lord Proprietary, according to their evidence.

Then were sworne to give true evidence.

Captaine Thomas Cornwaleys Esq^{re}
Cutbert Fennick gent:
Anthony Cotton mariner
Edward Fleete }
William Lewis } planters
John Nevill mariner.

Then were delivered two bills to the Jurors. The one of this Tenor.

Lett Inquest be made for the Lord Proprietary, if in the river of Pocomoque on the Easterne shore, on the three and twentieth day of Aprill in the yeare of our Lord 1635. Thomas Cornwaleys Esq^{re} and one of the Com^{rs} of this Province with divers other persons of the company and servants of the said Thomas Cornwaleys, being in two pinaces, called the S^t Helen and the S^t Margaret, in the peace of God of our Sovereigne Lord the King, and of the said Lord Proprietarie; Ratcliffe Warren, commonly knowen by the name of Leutenant Warren, Richard Hancock, Robert Lake with divers others to the number of 14 persons or thereabouts, not haveing the feare of God before their eyes, but being seduced by the malicious instigation of the divell, and of malice premeditated, in one pinace belonging to William Cleyborne of the Isle of Kent

P. R. O. gent, with force and armes, that is, with gonnés and pistolls,
Colonial charged swords, and other weapons, upon the day aforesaid in
Papers. the place aforesaid upon the two pinaces aforesaid, feloniously
and as pyrates and robbers, an assault did make, and upon the
said Thomas Cornwaleys and his Company divers gonnés
charged with powder and bulletts did shoote and discharge,
and them the said Thomas Cornwaleys and his company in
bodily feare of their life did putt; and one William Ashmore
of S^t Marie's apprentice, in the pinace aforesaid the day and
year aforesaid, at the place aforesaid, did shoote and wound in
his brest on his left side, neare his left pappe, of which wound
the said William Ashmore instantly died. And if the said
William Cleyborne did incourage instigate and abett the said
Lieutenant Warren to make and attempt the said assault upon
the pinace aforesaid, or upon any other the pinaces, boates or
vessells, belonging to S^t Maries. And if the said William
Cleyborne did by a speciall warrant and commission under his
hand, command and warrant, and authorise the said Lieutenant
Warren to seize, take and carry away any the pinaces or
other vessels belonging to S^t Maries: contrary to the peace
of our Sovereigne Lord the King his crowne and dignity; and
contrary to the peace of the said Lord Proprietary, his domina-
tion and dignity

And the Inquest returned upon
the back side: A true bill.

This is a true copie of the Record of the Indictment of Capt:
William Cleyborne gent:

Ita testor John Lewger secretary.

Cecilius Lord Proprietary &c. To our Sheriff of the Isle of
Kent, greeting.—Wee command you that you seise to our use
all the goods and chattels of William Cleyborne gent: within
your Iland, and that you keepe them in safe custody untill you
shall have further order from us therein. Given at S^t Maries
this seven and twentieth of March 1638. Witnesse our deare
brother Edouard Calvert Esq^r

locus + magni
sigilli

This is a true Copie of the writt of exequution
awarded upon the former Judgement.

ita testor, John Lewger Secretary.

Cecilius Lord Proprietary &c to the sheriffs of our Isle of
Kent Greeting, Whereas William Clayborne late of the Isle
of Kent and his Partners William Clobery and David More-
head of the Citty of London in the kingdome of England,

Marchants have joyntly usurped our said Isle of Kent and since the absolute Lordshipp and propriety of the said Isle granted unto us by His Maj^{ties} Charter under the Great Seale of England, and since the promulgateing of the same Charter with our Province have notwithstanding continued and mentayned the said usurpation, and the said William Clobery and David Morehead both by Letters, Messages and otherwise out of England have incouraged and assisted the said William Clayborne to comitt sundry insolences, contemps and rebellions against our lawfull Government and propriety of the said Island, and have by sundry supplies of men, Armes and other Comodyties ministered succor and meanes to the said William Clayborne to defend and mentayne the said Island against our said just Right and Title and to drive a trade with the Indians of our province contrary to our Royall right and priviledge therein, and thereby put us to great expence and Charges, for mentayning our said just right and priviledges and for repressing their sundry Attempts to the infringeing and overthrowing thereof yf it had beene in their powers, And by their Coopers and servants sent out of England to that purpose, have felled downe divers of the best timber trees for makeing of Pipe Staves uppon our said Land and have otherwise trespassed and comitted waste uppon the same, to the great disturbance of the peace of our said Province and to our damage of a £1000 sterling, Therefore wee doe hereby Comand and authorize you to attach all or any the Pipe Staves or other goods, and Chattells whatsoever of the said William Claybornes and his partners within the said Isle of Kent and at the time of the said Attachment to cite or summon publickly the said William Clayborne and his Partners William Clobery and David Morehead that they appeare either in person or by Attorney at some County Courte held at St Marys before the first day of February which shalbe in the yeare of our Lord 1639 there to make answere to such trespasses, wasts, misdemeanors, contempts and seditious practices as our Attorney shall have to charge them with on our behalfe, And yf at the makeing the said summons or proclamation or within 15 days after any one shall offer to bayle the said Goods by putting in sufficient security to the vallue of the said suite you shall by virtue hereof take Recognisance to our use and there uppon release the said Attachment And yf noe bayle be offered within the tyme limited, we doe hereby appoint and authorize you to cause soe many of the said goods and Chattells attached, whereof there shalbe any danger of impareing or necessity of present disposall thereof, to be prised to there present best vallue uppon the place by 2 skilfull and honest Nightbours indifferently chosen and to cause the said appraisment to be

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P. R. O. Colonial Papers. given in uppon oath of the said praisers to our Comander of the said Island and by him to be entred uppon Record. And thereuppon to deliver to our use the said goods and Chattells soe appraised and recorded to our receiver Generall his deputy or Assignee hee or they first putting in suffecient securty to answare and satisfye the full vallue of all such goods as shall bee by them received as aforesaid, to the said William Clayborne and his Partners when they shall enter theire appearances in our said County Courte within the time afore limited and appoynted for theire appearance. Given at S^t Marys this 2nd day of January 1638 witnes our deare Brother Edouard Colvert Esq^{re} Leiut^t Generall of our Province.

This is a true Copy of the Record of Maryland
examined this 25th of July 1654
per me Henry Coursey Clarke.

Cecilius Lord proprietary &c To Robert Vaughan Comander of Palmers Island greeting, wee comand you that you seaze, destrayne and attach to our use all the servants goods and chattells whatsoever within your Island late belonging to William Clayborne of the Isle of Kent Gent: and forfeited unto us by the lawfull attainder of the said William Clayborne of piracy and felony, and the same to keepe in your Custody and to dispose to our benefitt untill you shall receive further order or direction from us or our Lieutenant Generall what to doe therein And make returne of this write as soone as conveniently you may, Given at S^t Marys this 19th March 1637 witnes Edouard Colvert Esq^{re} Lieut: Generall &c.

This is a true Copy of the Record of Maryland
examined this 25th of July 1654
per me Henry Coursey Clarke.

Cecilius &c. to the sheriffe of the Isle of Kent, greeting we command you that you seize to our use all the goods and chattells of William Clayborne gent: within your Island and that you keepe them in safe custody untill you shall have further order from us therein. Given at S^t Maryes &c.

This is a true Coppye of the Recorde of
Maryland examined this 25th July 1654 per me
Henry Coursey. Clarke.

By vertue of a warrant to mee directed I have seazed into the Lord proprietary's hands these goods and Chattells belonging to Captaine Clayborne within Palmers Island.

Edmond Griffine }
William Jones } servants
William Freeman }
Richard Reymond }

2. Cowes—
2. heifers—
3. steers—
1. bull—
1. bull calf—

1. sow &
piggs.
1. Boare and
2. Barrowes.

10 gunns
 1. great Brasse Kettle
 1. Copper Kettle
 2. Truck Kettles
 1. Littell Brasse Kettle
 a hamer, a malle
 a drawing knife
 a spring lock & key
 a percer a 2 hand saw
 a pickaxe, a hand bill
 1. homini sifter
 an augar: a Chamber
 a house lock & key
 a parcell of blue beads 3^{lbs} 20^{oz}
 1. bushell of Corne in
 a baskett
 a pair of Sheeres
 6. yards $\frac{1}{2}$ foote peake
 1. yard $\frac{1}{2}$ roanoke
 2 quilted coats
 a worme
 a Case of bottles

 3. wyer fish hooks
 a pair of hinges & a latch
 a Grindstone
 an axe
 a markeing Iron

1. Iron Ladle
 Screw plate
 a broken Chest lock
 2. crusibles
 a pair of pincers
 2. pair of potthooks
 3. bullet moulds
 for single shott.
 1. pair of bullet moulds
 for pistoll & goose shott.
 a harquebush Crocke
 an cele speare
 6. weeding howes
 5. dutch howes
 6. hilling howes
 5. old broken howes
 6. wedges
 8. wooden Combes
 14. bone combes
 3. ould horse bells
 2. hallberts
 4. remnants of blue
 cloth qt 6 $\frac{1}{2}$ yards
 a table board.

Stanifords plees
 a pair of Tables
 a wooden forme
 a comb brush.

a wooden cheist and
 Padlock
 a statute booke
 a bread trough
 5 or 6. little bookes
 1. great booke of
 Mr Perkins
 2 washing Tubbs
 a barrell quarter 15 $\frac{3}{4}$ of
 shot
 a gourd containing 6 oz.
 of powder
 a reapeing hooke
 5. doz: of truck knives
 5. sword blades
 20. truck axes
 10. old broken axes
 6. large truck axes
 a toasting Iron
 a hand saw
 a frowe
 an Iron pestell
 an Iron pott
 2. trading pipes
 2. files.

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Robert Vaughan

This is a true Coppy of the Records of Maryland examined
 this 24th of July 1654. per me

Henry Coursey. Clarke.

Theise are in the Lord Proprietary's name to will and re-
 quire you that forthwith you attach all such estate or any parte
 thereof as belongeth unto Captaine William Clayborne now
 being in the Isle of Kent and that you keepe them safly untill
 hee shall putt in suffecient security to answare unto the suite
 of Capt: George Evelline for William Clobery and Company
 of London, Marchants in an accōn of accompts to the value of
 fiftene hundred pounds starling at the Courte to be held at S'
 Maryes on the first Munday in June which shalbe in the yeare
 1639 and to abide the order of the said Courte. Given under
 my hand this 26th of February 1637.

To the sheriffe
 of the Isle of Kent.

Leonard Colvert.

This is a true Coppy of the Records
 of Maryland examined this 25th of July
 1654. per me

Henry Coursey. Clarke.

June 3: 1644.

Seise into your hands all debts goods and chattells which
 you shall find within your County due or appertaining to

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William Clayborne late of Kent Esq^{re} whose stands by publique Acts convicted of oppen hostilitie done and exercised within this Province against the Lord proprietary and his Government. And what you shall soe seise deliver into the hands of his Lordshipp's receiver Generall for which doeing this shalbe your warrant.

To the sheriffe of Kent.

Giles Brent

This is a true Coppy of the Records of Maryland
examined this 25th of July 1654. per me.

Henry Coursey. Clarke.

To the Lord Baltimore.

Signed Charles R.

Right trusty &c. Whereas formerly by our royall Letters to our Governor and Counsell in Virginia and to other our officers and subjects in those parts, wee signified our pleasure, that William Clobery David Morehead and other Planters in the Iland nere Virginia which they have nominated Kentish Iland should in noe sort be interrupted in their Trade or Plantation by you or any other in your right But rather be encouraged to proceed cherefully in soe good a worke, Wee doe now understand that though your Agents had notice of our sayd pleasure signified by our Letters yett contrary thereunto, they have slaine three of our subjects there and by force possessed themselves by night of that Iland and seized and carryed away both the persons and estates of the said Planters. Now out of our Royall care to prevent such disorders as we have referred to our Commissioners for Plantations the examinations of the truth of these Complaints and required them thereupon to proceed according to justice soe now by these perticuler Letters to yourself wee strictly require and command you to performe, what our former severall Letters did enjoyne. And that the above named Planters and their Agents may injoye in the meane time their possessions and be safe in their persons and goods there without disturbance, or further trouble by you or any of yours till the Cause be decided. And herein wee expect your ready conformity that wee may have noe cause of any further mislike. Given under our Signett at our Manor at Greenewich the 14th day of July in the fortenth yeare of our Raigne 1638.

The Clerke of the Signett attending is desired to cause this Letter (which is a true Coppy) to be entered in the Signett office.

John Coke.

The 21st July 1638 David Morehead did deliver His Majesty's Letter to the Lord Baltimore in presence of M^r

George Fletcher Marchant, Thomas Bullon, Captaine William Clayborne and William Bennett.

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The said David Morehead required an Answer from his Lordship in respect the ships were at Gravesend which are bound for Virginia ready to depart) of his Majesty's sayd letter, that accordingly hee might have his Lordships letters directed to his Agents in those parts according to the tenour and effect of his Maj^{ty}s said letter shewing him with all the originall of a former letter from his Majesty and delyvered him a Coppy thereof. His Lordships Answer was that hee would waite one His Majesty and give His Majesty satisfaction herein, and would give noe other answer untill hee had spoken with his Majesty.

A Declaration shewing the illegality and unlawfull
Proceedings of the Patent of Maryland.

In the year 1607 divers preceding discoveries having confirmed an opinion that the Countrey of Virginia, was fitt for Plantation, It pleased God to affect the minds of verie manie worthiely disposed Noblemen, Gentlemen and others to conceive it as a matter of great Religion and Honor to undertake the worke of perfecting a Christian Plantation in those parts, whereupon King James was pleased to become the first founder of this noble worke, and by his letters Pattents from time to time renewed and enlarged granted all ample priviledges and immunities both to those that managed the busines in England and to those that went to inhabit there, which gave soe great an encouragement that 50 Earles and Barrons 350 knights and 600 Gentlemen and Marchants of Primest ranke became incorporated, and were originally named in the Letters Pattents, by the name of the Company of Virginia, being a greater union of Nobles and Commons then ever conceived in that kingdome to such an undertaking. But nevertheless partly by the naturall difficulties incident to all new Plantations but chiefly through the unnaturall and faulty impediments arising by the crosse agitations of two powerful factions in the Company, the worke went heavily on for the first 12 years, appearing desperate in the severall ill successes thereof. And though afterwards some what advanced and prosperous yett in the year 1621. by the fatall blow of a massaker, it was almost shattered to peeces and brought to a calamitous condition, which occasion the contrary faction presently tooke hold of, in soe much that they exceedingly scandalized the action and cared not to cast an asperion on the Countrey and on the whole management of that affaire, and then further strongly possessed and advised the then kinge, against the forme of the Company's Government, as consisting of an excessive

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number of Counsellors and a confused Popularity, as being a nurse of Parliamentary spirits and obnoxious to monarchical Government. Hereupon an order was made the 8th October 1623 at the Counsell table, whereby the Company were moved to give their assents for surrendring their Pattent and altering their forme of Government, and a new one was proposed wherein the right and interests of all men should be preserved, which order the Company not submitting unto, a quo warranto was directed for the calling in of their Pattent and an advantage being taken upon their misleading, the Pattent was condemned in Tripity Terme following, but for manie years after noe Judgement entered and to this time not vacated upon the Record in the office of the Rolls, whereby some that sought the overthrow of the Lord Baltimore's Pattent for Maryland in the beginning of the Parlament in Anno 1640 tooke out the Virginia Pattent againe under the broad seale of England, Therefore thought by primee Lawyers now to be unquestionably in force, and that of Maryland inconsistant and void.

Thus in breife was the late Company disolved and a Comission given to divers Lords and others for present direction and ordering the affaires of Virginia And that they should advise touching a better forme of Government for advansing and establishing the Colony, Then issued also several Proclamations and severall orders of the Counsell Table, with great asshurances under the broad seale and Privy seale, That all men with the Adventurers and Planters should be asshured that theire rights and interests should be conserved and enlarged onely alteration made in point of Government, But both that Comission and the renewing of the Company's charter expired, and all those proceedings were delayed by reason of the death of kinge James, which then suddenly ensued, The Principall Scope of that Comission, was that they should found a better forme of Government for the Plantation's advancement. And therein was especially promised the conservation of every man's right. Intentions worthy the wisdom of soe great a Prince. But nothing was done by those Comissioners touchinge either of those ends, nor by those whose prosecution these things happined who haveing attained theire Private ends of spleene and profit, upon the changes and revolutions of enshuing times, deserted the interest of the Colony, and left her weltring in her bloud unsupplied with ammunition and armes in the heat of a difficult warr with the Indians, the burthen and charge whereof, was onely undergon by the remaying Planters, who thus forsaken by her former friends were constrained both to fight and worke for their lives, & subsistance, and thereby preserved the Colony from desertion, and at last restored her

to peace and plentie, And there aboute the yeare 1633 the Lord Baltimore pretending though not trulie, that the greatest part of the Countrey was unplanted procured that the aforesaid Judgement soe long delayed was entered and obtained a Pattent for that parte now called Maryland which hee hath since held with a few people and smale adventurer, debarring of those to whome it justlie belonged from planting of it, destroying and ruynating those formerlie seated under Virginia at the Isle of Kent, and interdicting traid with the Indians for furs, discovered and began by them, which since by that meanes is injoyed by the Sweeds and Duch, and doth bring them in yearely manie thousand pounds, which trade mought have bin solie in the English nation's hands, had not the Lord of Baltimore interdicted it, seased all vessells and displanted theire Plantations which Sweeds and Duch doe trade for great quantities of Gunns, Powder and shot with our Indians, to the totall Indangering this Colony if not timely prevented. Such a ground worke had the Pattent of Maryland upon the rightes and labour of others, and as unreasonable have been the whole proceedings and management of theire Colony and interests, Att theire first arrivall surprising and confiscating many vessells with the goods of divers that they found trading with the Natives, under the Comissions of Virginia and professing an establishment of the Romish Religion onely, they suppressed the poore Protestants amongst them, and carried on the whole frame of theire Government in the Lord Proprietor's name. All theire proceedings Judicature, Tryalls, and warrants, in the name, power and dignity, and from him onely; not the least mention of a King in all theire Government, to that purpose forcedly imposing oaths, of fidelity and to mainetaine his Royall Jurisdictions and Prarogatives and Dominion. To protect cheefly the Romane Catholike Relligion in the free exercise thereof, and all done by yearelie Instructions from him out of England, as if hee had been absolute Prince and King; by all which it is easily evident that the Pattent of Maryland was grounded on noe good foundation, The King being misinformed when in noe thinge more deeply and directlie could the honour and justice of his Throne be concerned, then in confirming and conserving the Interest of soe great a conjuncture of Nobles, Knights, Gentlemen and Marchants of Primest Ranck who so piously and worthily adventured their moneys and expended their estates, and paines, whose rights and Interests though theire Patent were called in for the time yett had received the most soleme declarations of asshurances, under the Broad Seale and Privy signett, orders of counsell, Letters to the Colony and by Generall Proclamation there and here, in England, That it were impious to thinke

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that either the then Kinge or Kinge James being rightlie informed, would ever have granted such a Patent as this of Maryland and is being nere to the parts of the better Territory of Virginia, and as noe way consistent with equity, and the honour and Publique faith of the Kingdome, soe was noe waie in the absolute and royall powers assumed and executed by him, agreeable to the late Monarchiall Government or the present authoritie of the Comane-wealth of England, and most injurious to the rights and interests of the noble Adventurers and the painefull and indefaticable Planters who had soe long conserved her from totall ruine.

A short and successive narration of the most of the afforsaid Publique assurances followes viz.

1. First by an order of the Counsell 8th October 1623. (before the quo warranto) brought to arme the minds of the Adventurers and Planters against any mistaken feare and apprehension as if theire estates should receive prejudice.

2. And whereas the Lords of the Counsell were informed that the intended change of the Government, had begott a generall discouragement among the Adventurers, not withstanding sundrie other declarations made at the board viva voce, and that former act of Counsell, theire Lordshipps were pleased by an order of the 20th October 1623 to declare againe, that there was noe other intention, but onely and meeralie the reforming and change of the present Government, and that noe man should receive any prejudice, but have his estate fullie and whollie conserved, and if in any thinge it were found defective better to be secured, which order by theire Lordshipps' Command was sent over and published in Virginia, att theire generall assembly for encouragement of the Planters.

3^{ly} King James was also pleased to expresse the same in his Commission to sundry of his own Privy Counsell and other Commissioners for the time being, for the affayers of Virginia, 15th July 1624 That his intention was to alter the Letters Patents as to the forme of Government, but with preservation of the Interests of every Adventurer and Planter.

4^{ly} And the like declaration of the king's intention was expressed in the Commission under the broad seale then sent to Sir Francis Wyat, and the Counsell then appointed by his Majestie to governe and direct the affaires and people in Virginia, and the like hath bin inserted in all Kinge Charles' Commissions that have bin given to all the Governors of Virginia that have bin since that time to this present. Neither was there any alteration of the orders and Instructions formerly given by the Company for the Government of the Colony but rather a Confirmation and approbation of them that they stand in force to this daie, soe that in noe point were they ever taxed for misgovernment.

5^{ly} The then king Charles by his Proclamation 13th May Anno primo declared that his aime was to reduce the Government into such a right course as might best agree with the forme held in the rest of his Monarchy and not intended to impeach the Interest of any Adventurer or Planter.

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6^{ly} The Lords of the Counsell by their Letters dated October 24th 1625 signified that the King's pleasure was to preserve every man's perticuler right and the Planters to enjoye their former priviledges with addition of other requisite immunities, encouraging also the Planters to discoveries by sea and land, and to perfect the trade of Furrs, which Letter according to their Lordshipp's Command therein expressed was published in Virginia for their encouragement.

7^{ly} The King also for the encouragement of the Planters by his Royall Letters 12th September 1628. was pleased to promise thereby, to renew and conferme unto the Colony under the great seale of England their Lands and Priviledges formerly granted them.

8^{ly} And when the Generall assembly consisting of the Governor, Counsell and Burgesses of the whole Colony complained to the Lords of the Counsell of the interruption of their trade by the Lord Baltimore's deputies, their Lordships were pleased by their Letters of the 22 July 1634 to signify that the Plantation of Virginia should enjoy their estates and trades with the same freedoms and priviledges as they did before the recalling of their Pattent.

By all which itt appeares that howsoever the Government could not be reduced from that populer forme of the Company in England but by renovation of the Patent it selfe. Yett in respect of both the King's declarations and the Lords order the Adventurers and Planters of Virginia as to their rights and Priviledges according to the rule of equitie, remaine in the same, condition, as if noe such judgement had bin given.

But they often answer here unto to this effect though not truly neither. That the Lord Baltimore's Patent, takes in noe part, that the Virginians had then planted, and soe the Interest of all men is preserved, and that Maryland is noe other then as a perticuler Plantation, as the Company used to grant to divers Adventurers, and Planters, and that the king might doe as much as the Company while they stood.

Ans: 1. Wee reply that the Adventurers and Planters were encouraged to expend their estates in soe vast a proportion and to hazard their lives in all extremities allwayes accompanying new beginnings, in hope that their shares upon the division of the Lands (being 200 miles along the sea shore, and into the land from sea to sea) would recompense them and their heires. This interest by this Patent of the Lord of Balti-

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mores, comprehending two degrees, which is six score miles, is wholly taken from them, and scare is there any roome for any Adventurers to take up any Land due unto them.

2^{ly} All Adventurers of the Company were Tenants in Common to all the land which was not actually devided and sett out, and there claime cannot justly be wipt out thus, and yett there interests sayd to be reserved.

3^{ly} That the Lord of Baltimore might have as large a proportion of Land as ever was granted to any by the Company, but wee thinke agreeing to reason that he should people it and either showe his right to it by the Adventure of people sent over to plant it, which was by the Company appoynted to bee. 50 acres to everie person transported thether, or als to have soe many shares of land as hee can shewe right to by the Adventure of money in the old stocke, otherwise how unreasonable is it hee should possesse two third parts of the Bay of Virginia, which may trulie be sayd to be as bigg as the kingdome of England and Scotland and yet now in seventeene yeares, have not more men there, except such as have gone from Virginia, then can or doe plant three or fower hundred acres, and those cheifly employed in Tobacco, and the great name of Maryland is in effect made but a factorie for trade a nursery of Jesuites and a barr to keepe of other planters, from the best and temperatest parts of the Country, which being farther remoate from the sea, and more Northward are thought some what healthfuller then the lower parts of Virginia.

4^{ly} Wee say that after wee had discovered and brought the Indians of those parts of Maryland to a trade of Corne and Bever, by vertue of the King's Instructions under the broad seale with expense of our bloud and estate and exercised annuall entercourse with them above eight and twentie yeares How can it be said that our interests are preserved, when wee are interdicted this trade, our vessells and goods seized, our persons imprisoned and men slaine and the whole trade assumed onely to the Lord Baltimore's use.

5^{ly} Wee clearely claime right by possession haveing planted the Ile of Kent almost three yeares before ever the name of Maryland was heard of, and Burgesses for that place setting in the Assemblies of Virginia whereby it is evident that the Lord of Baltimore's suggestion to the king that those parts were uncultivated and unplanted, unlesse by barbarous people not haveing knowledge of God, was a misinformation, and by it that Patent appeares illegally gotten. And if the Lord Baltimore takes awaie those lands (who have also purchased the interest of the Natives a right not inconsiderable) and seize there goods and that in an hostile manner as hee hath done,

How can it be sayd, those mens rights and interests are preserved, they being the first discoverers of that Iland by vertue of the King's Commission, and planted there under the Government of Virginia, on the confidence they apprehended from the former asshurances, and there begann in greate part the trade of Furrs, which is now usurped by the Duch and Sweeds, the Lord Baltimore not being able to manage it himselfe.

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How unjust an intrusion then will the Lord of Baltimore's Patent appeare, which overthrows the Interests of soe many Noblemen, Gentlemen and poore Planters (for the Company of Virginia were of a nature diversified from other Companies) which if it had not been founded on soe good grounds, yett theire zeales and pious Indeavors to propagate the true Christian Relligion, to enlarge the English Dominions and to encrease the trade and strength of shipping and considerably the Customes, doth deserve Justice with addition of a reward for soe honorable and good intentions.

1649.

May 1640.

| | | |
|--------------|---|----------------------------------|
| Claiborne | } | Testes Examinati [et jurati] per |
| contra | | Allegationem ex parte |
| Clobery & at | | Will Claiborne |

vigore Commission^s ex [curia?] sua in hujusmodi Causa decret sequit^r viz^t—

Thomas Sturman de insul^t Kant in Provincia de Maryland etatis 56 Annox aut eo circiter natus infra parochiam de Hadnam in Com^m Buck Cooper testis in hac parte produc Juratus et examinatus dicit et deponit Ad 21. Articulum dicit et deponit That the said Thomas Sturman was one of the servants that came over in the said shipp the Sarah Elizabeth, and that the supplie of goods and servants sent in the said shipp by the said Cloberry and Company att the time articulate was brought upp to the articulate Island, by the articulate John Goodfellowe, and were consigned to the said Eveline, and that the said Eveline was present att the landing and houseing of them upon the articulate Plantation, and that the articulate Claiborne did not (to this deponents knowledge shew any dislike thereunto but he heard the said Evelin intreat the said Claiborne to advize and assist him the said Evelin in the employment of the said servants and goods as being better experienced in the said trade and Plantation then he was, and that thereupon the said Claiborne did accordinglie yield his best assistance and advise therein, and by theire Cariage each to other in this deponents sight, he beleeveth they did agree

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well together, and that the said Evelin did the same day the said goods were landed att the said Plantation, take some pieces of the trading Cloath then sent over and took with him alsoe certaine Axes into the Pinnacle Elizabeth and did goe a trading into Patomeck River, as this deponent hath heard by some of the servants that were with him, but whether the said Evelin hath given any account thereof, this deponent knoweth not.

Ad 22 Articulum dicit et deponit that the said Claiborne in or about the middle of May 1637 being in preparation to come for England, as the said Clobery told this deponent he should doe, the said Claiborne did in the presence and hearing of this deponent and of divers free men and servants assembled upon the Plantation make offer unto the said Evelin upon condition that he the said Evelin would give the said Claiborne for the use of the said Clobery and Company a Bond of £3000 that he the said Evelin should not sell nor make away the said Plantation or Ilands or any part thereof unto the Marylanders or any other and not remove or carry away any of the servants from the said Iland, that then he the said Claiborne said, he would deliver unto the said Evelin all the goods, servants or whatsoever belonged to the said Clobery and Company in the said joint stocke account to the Inventory thereof made and prepared by the said Claiborne and the said Evelin

each of them had a Coppy according to the said Clobery advice as this deponent heard the said Claiborne and Evelin say. But heard the said Evelin then and there deny and refuse to give any such bond, whereupon the said Claiborne replied that for his owne part thereof and as farr as it any way concerned him the said Claiborne, he would not assigne the said Plantation or any of the servants or goods unto the said Evelin And that thereupon the said Evelin said that he did not care to have any such assignment from the said Claiborne, for he would have them whether he would or noe, for he had more to doe with them, then the said Claiborne had, and that within 3 or 4 dayes the said Claiborne departed for England And that the said Evelin both while the said Claiborne was there and in his absence freely disposed and ordered all the said Plantation and the said goods and servants as he thought good, and did appoint this deponent and all the other servants their labours who followed and obeyed the said Evelin's directions, and appointed this deponent to make quarter canns and other worke, which he did accordingly.

Ad 26 Articulum dicit et deponit That the said Evelin about Midsomer 1637 or thereabouts came unto the Plantation aforesaid and did there by vertue of the Articulate letter of Attorney take possession of all the Plantations, Houses, Goods,

Mills, Servants and whatsoever belonged to the said Cloberry and Company, without any hindrance or interruption from the articulate John Butler, William Blizard, or any other in the said Claiborne's right, this deponent being then and there present, that the said Evelin did leave John Walker Overseer of the said houses, goods, mills and servants and John Sturman sonne to this deponent kept the bookes for the said Walker, and that the said Evelin did order and direct all the said servants concerning their Labours, and the said servants did obey the said Evelin as they had formerly done the said Claiborne, And that the said Evelin did appoint divers of the said servants for the makeing of Pipe staves to worke with this deponent and Thomas Keyne Coopers that is to say Howell Morgan, Thomas White, John Sturman, Roger Baxter, William Porter, Samuell Scouell and Mathew Royden, with said servants made thirty five thousand. Pipestaves before the Government of Maryland tooke possession of them, and that the said Evelin did appoint Robert Turtle Millwright to grind Corne at the Mill, and alsoe did appoint Phillipp West, John Hobson, William Williamson, to worke with the said Turtle in makeing of a new Mill, And that the said Evelin tooke away William Porter from makeing Pipestaves to tend the Mill in the said Turtle's absence, and that the said Evelin did lett Originall Browne, goe free before his time was expired, and that Thomas Ardley and John Scarbrough their times of service were sold and turned over to Servant Hugh Keyward for the quantity of 600^{lbs} of Tobacco to be paid yearly during their service, he this deponent being present att the bargain makeing, and that the said Evelin sold Edmund Parry his time of service for 300^{lbs} of Tobacco att the same time And this deponent hath heard that he the said Evelin sold Vincent Mansfeild time of service to Nicholas Wright for 200^{lbs} of Tobacco, and that the said Evelin sold John Walker his time for 400^{lbs} of Tobacco yearely, and he this deponent hath seene the Couen^{ts} betweene them, and that Monjoy Evelin was (as this deponent heard the said Capt: Evelin say) by him the said Evelin left with the king of Patomeck to learne the language, and had severall parcells of Trucke with him, but the certaine quantity of Beaver, Corne or other Commodities received therefore, this deponent knoweth not, but beleeveth he had a good quantity to the valew of eighty or a hundred pound, and that the said Evelin did transport and carry to Maryland John Ascu, Edward Deering, Andrew Baker, William Williamson, and his wife, John Hatch, Phillipp West, John Dandy, Thomas Baker, and John Hobson, all which were servants to the said Cloberry and Company, and did there att Maryland sett them to worke upon a Plantation (as this deponent hath heard M^r Carington

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P. R. O. the Bayley of the said Plantation say) by which Plantation and
 Colonial other worke done by the said servants there, the said Evelin
 Papers. gained or might have gained as this deponent beleeveth five-
 teene thousand weight of Tobacco for 4 of the said servants
 were Carpenters and this deponent knoweth that the freemen
 on the said Iland would willinglie have given 2000^{lbs} of
 Tobacco a head yearly for everie the said fower servants and
 for the other servants being able men might have gained a
 good Cropp of Corne and Tobacco yearly, And this deponent
 hath heard that the said Evelin sold in London to one Owen
 Phillipps the said John Hatch, Andrew Baker and Thomas
 Baker for £30 sterling but the said Phillipps never had but one
 of the said servants, which he recovered in Court in Maryland
 for the said Evelin had formerly made them over to M^r Lugar
 secretary of Maryland.

Ad 27. Articulum dicit et deponit That the said Evelin by
 vertue of the said letter of Attorney, from the said Cloberry
 and Murhead, haveing soe taken into his possession as afore-
 said did dispose, sell and make away great part of the house-
 holdstufte, trucking stufte, and other goods and particulers
 which were mentioned in the foresaid Inventory, on this de-
 ponents owne knowledge to the Inhabitants and freemen on
 the said Iland, and did transport other part thereof ziz^t Kettles
 Trading Cloath, Axes, Hoes, Knives, Gunns, Beades, Rigging
 of Pinnaces, Provisions for Boates, Bedding Pewter, workeing
 Toolles and other goods for he this deponent did see the said
 Evelin carry them on board the Pinnacle the valew of which
 said goods this deponent knoweth not certainly but beleeveth
 were worth or might have been sold for 900[£] or 800[£] at least,
 which this deponent beleeveth because he hath seene most of
 the said goods and hath knowen part of them sold, and hath
 seene the Inventory of them and valued the same to the best
 of his Judgement att the said rate of 800[£] not accounting the
 said Plantation the Windmill two frames of Windmills, the
 Pipestaves, and 36 servants which servants were mentioned in
 the said Inventory.

Ad 28. Articulum dicit et deponit That he this deponent
 hath heard the said Evelin say he did deliver and sell unto the
 Governor of Maryland 2 peeces of Dutch trading Cloath, and
 other trading stufte for Powder and Beaver with which he the
 said Governor of Maryland went up to the Susquehanoughs
 and bought Corne therewith, but would not deliver to the said
 Evelin any of the said Corne, the Plantation standing in great
 neede thereof, to whome this deponent said you are served
 well enough to lett him have the Cloath and to leave yourselfe
 without, now you have none to gett Corne and goe a trading
 with, but the valew of the said Cloath or Powder this deponent
 knoweth not.

Ad 29. Articulum dicit et deponit. That the said Evelin did goe to Maryland soone after the departure of the said Claiborne, and did there (as this deponent hath heard the Governor speake and persuade the said Governor of Maryland to come with armed men and take possession of the said Plantation and Iland, and the said Evelin tould this deponent that he would never leave till he had settled a government on the said Iland, and that he this deponent hath heard the said Governor of Maryland say that he had not soe come to possesse the said Ile of Kent unlesse the said Evelin had much urged and persuaded him thereunto, untill newes had come out of England concerning Capt: Claiborne.

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Ad 30. Articulum dicit et deponit That the said Evelin in or about the Months of November after the premises 1637. did come up to the said Plantation from Maryland and brought a Comission under the Colony seale of Maryland, by vertue whereof the said Evelin was made Commander of the said Ile of Kent, and by vertue of his said Commission did summon the Inhabitants and Freemen upon the said Iland to appeare before him att the Fort, and the said Evelin did there (in their presence) command the Patent of Maryland then brought upp with him by M^r Zachary Mattersedds of Maryland, to be read, although the said Freemen did not consent therto, and that att the same time it was demanded of the said Evelin by M^r John Butler, whether he were an Agent for the said Clobery and Company, or for the Marylanders, and that the said Evelin answered he was for both, and that the said Evelin further said that whereas he himselfe had lately spoken there against the Patent of Maryland and that the said Claiborne's Commission was firme and good against the same, and that the Marylanders had nothing to doe with the Ile of Kent, Now he the said Evelin was better informed for he had seene the Governor of Maryland's Patent, and that he was formerly mistaken and overseene as he perceived now they were, but he him selfe now understood it better.

Ad 31. Articulum dicit et deponit That the said Evelin then adjudged the Inhabitants and Freemen and all the servants that they should take heed what they did in opposing the said Governor of Maryland, saying further that it would be better to live under the Government of Maryland then under the Government of Virginia, for the Lord Baltimore had the Patent and the Iland was his, and that it would be more beneficiall for them and better for the Iland for they might carry their commodities and their Tobacco and Pipestaves into what Country they would which the Virginians could not, and that the said Evelin persuaded them thereunto by many other priviledges and did instance in many particulers wherein the

P. R. O. said Claiborne's Pattent was of noe effect or force but was for
Colonial Nova Scotia and other places neere New England and did not
Papers. give Authority to trade in the Bay of Virginia or Maryland,
for he the said Claiborne had nothing to doe there, and that
the said Evelin said the Governor of Virginia would assist the
said Governor of Maryland if they would not yield upp the
said lland quietlie, and that he the said Evelin would not be
the man that should withstand or denye itt, for he was capable
what would follow after, and that the said Evelin did att the
same time command that the foresaid letter of Atturney from
Cloberry and Murhead should be there read, unto which M^r
John Butler and all or most of the Freemen replied, Capt:
Evelin what needs that, nobody doth interrupt you in the
Marchants busines, you may doe what you please, noe man
doubts your Authority.

Ad 32. Articulum dicit et deponit That the said Evelin att
his comeing for England from the said Plantation did make
severall letters of Atturney, and by the same did assigne over
all the goods, debts and servants and estate whatsoever of the
said Cloberry and Company upon the said Ile of Kent unto M^r
Lugar Secretary of Maryland, which said Lugar did by vertue
thereof sell John Dandy and Phillipp West theire times of
service, and hath received severall debts due to the said
Cloberry and Company, and further deposeth not

Ad 33. Articulum dicit et deponit That he this deponent
hath heard the said Evelin say he did deliver unto one
Thomas Smith about 60 yards of Trading Cloath together
with severall quantities of Truckingstufte; but what or what
quantitie of truckingstufte he knoweth not but he hath heard
that Robert Turtle which kept the Mill say that the said
Thomas Smith did deliver into the Mill unto him the said
Robert Turtle forty or fifty bushells of Corne to this deponents
best remembrance, and that the said Evelin did command
the said Turtle to deliver of the same Corne and other Corne
in the said Mill (when Corne was very scarce) 4 hoggsheads
of Meale, and that the said Evelin sent the said Meale to Mary-
land whereby the said servants had been very hard put to itt
for want of Corne, if the said Thomas Smith and other friends
of the said Clabornes had not supplied them, he the said
Evelin never tooke any care thereof, by whose supplies and by
grinding of Corne att the said Mill, the servants did not want
much Corne that yeare and that the said Evelin badd the
said servants gett Oysters and shiftt for themselves for he had
noe meate nor Corne for them nor could not tell where to
gett it.

Ad 34. Articulum dicit et deponit That the said Evelin did
neglect to gett Corne by trade when the said servants stood in

need thereof although (as this deponent beleeveth) he might easilie have bought Corne of the Indians, but did for the most parte employ himselfe as aforesaid in persuading the Inhabitants to render the possession of the said Iland to the Governor of Maryland, and in setting division and discontent amongst the people concerning the same, and in going oftentimes to Maryland, and did as this deponent hath heard the said Governor of Maryland say persauded the Marylanders to come thither, and that the said Governor of Maryland by the said Evelin's persuasions did come with forty armed men in the night, being as this deponent hath heard and verely beleeveth, ledd by the said Evelin and landed upon the said Iland and tooke possession thereof and tooke the said John Butler and Thomas Smith prisoners and carried them to Maryland, where the said Thomas Smith was condempned, and that the said Governor of Maryland hath since againe come upon the said Iland and Plantation of Kent, with fifty armed men or thereabouts, and hath wholly reduced the said Iland and the Inhabitants under the Government of Maryland, and hath hanged Edward Beckler and Thomas Smith, as Rebels, and hath confiscated all the estate of the said Clobery and Company and hath disposed and carried away all the servants of the said Joint stocke and other goods left by the said Evelin to the said Lugar and Walker And the said Governor of Maryland did alsoe (to the Lord Baltamore his use) seize and confiscate all the particuler estate of the said Claiborne, then being upon the said Ile of Kent consisting of Tobacco, Neate, Cattle, servants, tooles, and other goods, which this deponent beleeveth to be of a good vawle, but is not able certainly to say how much they were worth, but thinketh that the some of the Tobacco soe confiscated and received by the said Governor of Maryland was three score or at least fifty thousand weight, and that all the said Tobacco was worth there att the least 13^{ds} per pound And for the neate Cattle of the said Claiborne, soe confiscated seized and taken by the said Governor of Maryland, this deponent beleeveth they were to the number of two hundred or there about or would by this time have increased upon the said Iland to the said number, being Cowes heifers, Oxen, Steares, Bulls and Calves which said Cattle were then and are now there worth one with another seaven or eight pounds a head being of a very good kind of Cattle better then usually are in Virginia And this deponent knoweth that the said Governor tooke divers servants and imploied them, and disposed of theire times of service, who did belong to the said Claborne, the names of which servants this deponent well remembereth not, saveing that he remembereth that Thomas Youall, Robert Cooper, Robert Lake, John Glantam, John

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P. R. O. Russell, William Tawbott, William Jaxson Thomas Kidds,
Colonial Nicholas Pawthampton, Edward Hall, Mathew Preist, Richard
Papers. Raymond, Richard Smith, William Freeman, William Jones
and Edward Griffin being the said Capt. Claiborne's servants
were all taken and disposed by the said Governor to the use
of the said Lord Baltamore.

Ad 35. Articulum dicit et deponit That he hath heard that the said Evelin soone after the departure of the said Claiborne for England did persuade the said Governor of Maryland to goe to the Susquehanoughs, and that the said Evelin did lend or give out of the Fort att the Ile of Kent (to the said Governor of Maryland) two small peeces of Ordinance to goe against an lland there called Palmers lland, where the said Claiborne had planted, and that not long after the said Governor coming to the Fort and houses there erected (by the said Claiborne) did displant the same and carried away all the men Neate Cattle and hoggs unto Maryland with all the goods and household-stuffe, whereby the said Claiborne is endamaged and hath lost as this deponent beleeveth the vawle of £1000 att the least.

Ad 36. Articulum dicit et deponit, That soe farr as this deponent could know or understand, the said Captaine George Evelin after he had by vertue of the said Cloberyes and Murheads Commission or letter of Atturney taken possession of the said Plantation, servants, goods and whatsoever belonged to the said Clobery and Company in a Jointstocke as aforesaid, he the said Evelin did neglect to order and oversee the same, and to looke that the servants should be imployed to the best profit of the said Jointstocke, and did not provide victualls, clothing and other necessities for the said servants and Plantation, as were requisite, which he might have done and obtained (as this deponent beleeveth) and bought with the truckingstufte Men and Boates of the said Jointstocke, if he the said Evelin had beene dilligent and careful to doe the same, Soe that this deponent beleeveth that by the said Evelin's neglects and ill carriage of the affaires of the said Plantation, and by bringing the same under the Government of Maryland and receiving of all the goods and servants and many other wayes by the said Evelin's meanes The said Plantation and Jointstocke is dampnified as this deponent beleeveth to the vawle of £3000 att least, and that if £3000 were laid out and expended upon the said Plantation, it will not make the same soe good as itt was at the time when the said Evelin tooke possession thereof, and further he beleeveth that by the said Evelin's Actions and ill speeches and by all circumstances that he did, it might be gathered and did appeare that the said Evelin did not intend the good and profit of the said Plantation and Jointstocke, but

the Overthrow and hindrance to the same, which as soone as he the said Evelin had brought to passe he went for England. Rich: Moryson
Will: Frith.

The mark of
Thomas T Sturman

Juratus et examinatus
in presencia mei per me Will: Baulke
notarii publici

20. May. 1640.

Thomas Youall de Insul Kant in provincia de Maryland etatis 22 Annor. aut circiter, natus infra pochiam de Wilbarsonne in Com. North. Testis in hac parte productus juratus et examinatus dicit et deponit.

Ad 13. Articulum dicit et deponit That att his (this deponent's arrivall on the Articulate Iland being in July 1634 there was great want of Truckingstufte And that the said Claiborne did provide a Pinnace and boates, with men and things necessary in Expectation of Trucke as this deponent beleeveth) to goe a trading with the Indians, and that the said Claiborne if he had had Truckingstufte (this deponent beleeveth) might have bought 3000 Beaver skinns at least more then he did with the same men boates and provisions he had provided for that the Indians (to this deponent's owne knowledge) would sooner trade with the said Claiborne then with any other, and that the unnecessary providing of the said Boates, men, and other things in expectation of Trucke, was (to this deponents owne knowledge a great damage to the Jointstocke, and hapned for want of the said Truckingstufte, and not by any default of the said Claiborne.

Ad 14. Articulum dicit et deponit, That there hath beene great want of Ammunition on the said Iland, as Powder shott and Gunns ever since this deponent came on the said Iland being for the space of 3 yeares att least before the said Claiborne went for England And that the Plantation was allwayes in great danger to be lost, for want of the said Ammunition, and the men expected allwaies when they should be cutt of by the Indians, and that the Inhabitants and Freemen did in this deponent's hearing, much murmure and complaine to the said Claiborne therefore, and that there was to this deponent's owne knowledge, great want of many other necessities, and that the said Claiborne was therefore constrayned to make many voyadges to Virginia the said Plantation being accounted 50 leagues from the said shipping in Virginia, to his greate hinderance, and that the said Claiborne (as this deponent verely beleeveth) did pay for such commodities bought in Virginia two for one or 50 per cent more then they cost in

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Colonial
Papers.

England, and that the said Claiborne (as this deponent beleeveeth) might have bought them cheaper if he had bought the same goods att the first comming in of the said shipping, but he referred it till the last shippes came in expectation of some out of England as this deponent hath often heard the said Claiborne say, and that therefore the apparell of every servant did yearely cost the said Claiborne at leaste £5. 10^s a peere.

Ad 15. dicit et deponit That by the said Claiborne's industry and by the supplies the said Claiborne procured the said Plantation thrived very well, and that the interruption of the Marylanders, theire killing of three men vizt. Leif Warren, John Belson and William Dawson being kild in the Shallopp the Cockatrice and theire takeing the Pinace Longtayle with the truck and goods in the same whereby the Plantation wanted Corne, and for the want of a Patent (as this deponent beleeveeth) the greatest cause of losse and damage to the Joyntstocke, and not by want of industry or care that the said Claiborne could use or procure for that to this deponent's owne knowledge he the said Claiborne did take extraordinary care and paynes therein, the want hereof is generally complained of.

Ad 17 dicit et deponit That all therein conteyned is true for he hath been oftentimes a trading with the said Capt: Claiborne And one tyme especially himselfe and foure other men in the Shallopp Start have beene sett on by 300 or 200 Indians at Chaptanck like to be taken by them, unlesse God had wonderfully delivered them.

Ad 28 dicit et deponit That the said Evelin sold and delivered to the Governor of Maryland in this deponent's sight severall peeces of Dutch trading Cloath but what he received therefore this deponent knoweth not and further deposeth not.

Ad 29. dicit et deponit That the said Evelin did goe several tymes to Maryland and there (as this deponent hath heard) the Governor of Maryland say did much persuade him the said Governor to come upp and take the said Ile of Kent as being belonging to his Government, and that the said Governor did further say that he had not soe come upp to take the said Iland till he had further heard out of England, but that he the said Governor could not rest in his bed for the said Evelin in persuading him to come thither to take the said Iland.

Ad 33. dicit et deponit That the said Evelin did deliver certaine trading cloth full of holes and rotten in many places but howe many yards there was of it this deponent knoweth not; and alsoe that the said Evelin did deliver at the same tyme to the said Smith Axes, knives and other comodities, for which said trading cloth and other trucking stufte this deponent did deliver for the said Thomas Smith into the Mill to Robert Turtle Miller forty bushells of Corne, at a tyme when Corne was scarce, and this deponent hath heard the said Turtle say,

that the said Evelin commanded him to deliver of the same Corne and other Corne in the same Mill 50 bushells of meale or thereabouts, and this deponent beleeveth the said Evelin sent the said 40 bushells of meale to Maryland for it was generally soe reported, and that by want that was on the said Iland for want of the said Corne, the people and servants there had beene starved (as this deponent verely beleeveth) if the said Smith and other Friends of the said Claibornes had not supplied them And that the said Smith and M^r James friends of the said Claybornes did procure Corne for the said Iland, and that this deponent did bring to the said Iland severall barrells of Corne from the said Smith, and did deliver the said Corne to the said M^r James for the use of the said Joyntestock, by supplies and by the profitt made att the said Mill (this deponent beleeveth the servants did not want much Corne that yeare but had perished if the said supplies had not come, for any care the said Evelin tooke therein.

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Colonial
Papers.

Ad 34 dicit et deponit That the said Evelin neglect to gett Corne, haveing to this deponent's owne knowledge trucking stuffe, boates, men and ammunition sufficient whereby to gett Corne if he the said Evelin had been willing thereunto. But the said Evelin did imploy himselfe for the most part, (as this deponent beleeveth) and hath often heard the said Evelin speake to the same effect in urging and persuading the Inhabitants to render upp possession of the said Iland unto the Governor of Maryland, and in goeing to persuade the Marylanders to come thither. And that the said Governor of Maryland did come with about 40 men in the night (the said Evelin comeing with the said Governor) and landed at the said Iland and took possession thereof and tooke M^r John Butler and Thomas Smith Prisoners and caryed them away to Maryland, where the said Smith was condemned as this deponent beleeveth, and that the said Governor of Maryland hath since againe come uppon the said Iland and Plantation of Kent with 50 men or thereabouts and hath wholly reduced the said Iland and the Inhabitants under the Government of Maryland, and hath taken into his possession, all the estate of the said Clobery and Company, and hath disposed and caryed away not only the estate of the said Joyntstocke but alsoe all the estate of the said Claiborne all which amounted unto (as this deponent beleeveth) the valew of seven thousand pounds sterling at the least.

The mark of
Thomas T youall

Rich: Moryson.
Will: Frith.

Juratus et examinatus in presencia
mei per me Will: Baulke notarii
publicum.

P. R. O.
Colonial
Papers.

Thomas Hailes de Insul: Kant in provincia de Maryland etatis 34 Annor. aut eo cerciter natus infra pochiam de Waddington in Com. Lincoln

Testis in hac parte productus Juratus et examinatus.

Ad 9. Articulum Dicit et deponit That all things therein conteyned are true.

Ad 10. Articulum Dicit et deponit, That many of the ablest servants sent over in the Articulate Shipp the Affrica, died in the said shipp and att theire first comeing over viz^t John Thompson, Phillipp Hamblin, John Dunne Christofer Fleming, John Butler and Thomas Tripland, and that most of them that remained were weeke men and not able to helpe themselves, much less to defend the Fort against the Indians, by reason whereof to this deponent's owne knowledge, the said Claiborne was inforced to hire this deponent and other free men to saile in the boates and for other occasions upon the said Plantation, and that it was necessary for the said Claiborne soe to doe, and that the wages paid this deponent and the other freemen and servants were reasonable and lesse then they could have had in Virginia, and that others that hired men paid as great or greater wages, and this deponent thinketh that it was impossible for the said Claiborne to have held or kept the said Plantation with 30 or 40 men newly come out of England, without the assistance of the said freemen, and that it is requisite in 4 months of the yeare att least viz^t March, Aprill, May and June for the said trade to have 3 or 4 Boates att a time, to goe a trading with, to the Indians, else it will scarce beare Charges and not be worth while, and them boates to be well maned with at least 6 or 7 men in each of them, else they are in danger to be cutt of by the Indians, and to this deponent's owne knowledge the Indians have served others soe, being but weekely maned with 4 or 5 men, and the said boates to have all things necessary about them as gunns and other ammunition, and that the said Claiborne did everie of the said yeares and months aforesaid send out 3 or 4 boates well manned with 6 or 7 men att least, and with other things necessary for the said trade.

Ad 12. dicit et deponit That the said Claiborne did procure out of Virginia as this deponent beleeveth divers Neate Cattle to the number of 30 or thereabouts, and that the Milk of everie Cow was as nourishment to the servants there being att the first comeing some or other allwaies sicke and weake, and that this deponent or most of the said freemen on the said Iland would willinglie have given the said Claiborne above a 100^{lbs} of Tobacco yearely for the milke of everie Cow, and they the said freemen to have kept the said Cattle and att the end of

the said yeare to have restored the said Cattle and their encrease to the said Claiborne, and that it is usuall to make the like bargaine of lending, hireing and restoring of Cattle in Virginia, And that the Feed for such Cattle are little worth, and if it be not eaten, it rotteth and fadeth away or is burnt yearly, soe that there being much feed and grasse on the said Plantation of noe value to the said Jointstocke.

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Ad 13. Articulum dicit et deponit That the said Claiborne did in all the yeares of his trading with the Indians, want truckingstufte from time to time, and as this deponent hath heard the said Claiborne often say, he did expect to receive some out of England from his partners, and that the said Claiborne (to this deponent's knowledge) did provide Pinnaces, Boates and Ammunition and all things necessary against the comeing of the truckingstufte, and that the said Claiborne if he had not wanted truckingstufte, might have bought a great quantitie of Beavers more then he did, with the same boates, men and meanes or with little charge more, soe that (as this deponent beleeveth) the want of the said truckingstufte, and the unnecessary provisions in expectation of Truck was a great losse and damage to the said Jointstocke, and did not any way happen by the default of the said Claiborne, but by the want of Truck as aforesaid, and further deposeth not.

Ad 14. Articulum dicit et deponit That there was divers yeares during the said Claiborne's being upon the said Iland there was great want of Powder shott and gunns, and that thereby the said Trade was hindred and the Plantation was in danger to be lost and the men were afraid to be cutt of by the Indians, for the said Inhabitants did much murmure and complaine thereof to the said Claiborne in this deponent's hearing, and that there was alsoe great want of servants, apparell and other necessities for boates, and that the said Plantation (as this deponent beleeveth) is 50 leagues from the shipping in Virginia, And that the said Claiborne (to this deponent's owne knowledge for he oftentimes went with the said Claiborne) was constrained to make many journeys, and often send to Virginia to his great hindrance, (as this deponent verely beleeveth) and that the said Claiborne did pay for most of the said Commodities 2 or 3 for one, and that the said Claiborne did pay the dearer because he deferred the buying of the said Commodities (as he the said Claiborne told this deponent) in expectation of Trucke and other supplies from the said Clobery and Company, by meanes whereof (as this deponent thinketh and verely beleeveth) everie servants apparell did yearly cost the said Claiborne £5. 10. at least.

Ad 15. Articulum dicit et deponit, That by the said Claiborne's industry and care this deponent verely beleeveth and

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by the supplies which the said Claiborne procured the said Plantation prospered very well, and to this deponent's owne knowledge better then ever any such Adventures ever did in those parts soe farr as this deponent ever heard, and that by reason of the Marylanders takeing away of the Pinnace, boates and Trucke belonging to the said Plantation (to this deponent's owne knowledge) the Plantation thereby wanted Corne, and by reason the Marylanders killed 3 of the men viz^t Leif^t Warren, John Belson and William Dawson and by the want of a Patent, there hath ensued a great losse and damage to the said Jointstocke and not (soe farr as this deponent knoweth) for want of Industry and care that the said Claiborne could use or procure.

Ad 16. Articulum dicit et deponit That (as this deponent verely beleeveth) noe other English that traded with the Indians in those yeares viz^t 31: 32: 33: 34: 35: 36: et 37 made soe good voyages or gott soe much Beaver, with soe little Trucke and soe little supplies as the said Claiborne did in the foresaid yeares, and that as this deponent hath heard the Adventures to Charles River and Maryland, were not soe profitable to the Adventurers (as this deponent verely beleeveth) as this Plantation would have beene if the said Claiborne had had good supplies out of England, and had a Patent from the King to enjoy the same and further deposeth not.

Ad 17. Articulum dicit et deponit, That the Common Course of trading with the Indians (to this deponent's owne knowledge for he hath often beene with the said Claiborne a trading with them) is with great danger of their lives by reason they usually trade in Shallopps, with not above six or seven men in each of the said Shallopps, and that there wilbe sometimes at least 3 or 400 Indians about the Shallop, and that some of the said Traders must stand upon their guard and other some looke to the trucke, and that the Indians come with Axes, Tomahawkes and Bowes and Arrowes with them, and that there is oftentimes great parte of the Trucke stole by the Indians and a good parte given for presents, and that the Indians wilbe very tedious in veiweing theire Trucke, soe that it is impossible (as this deponent beleeveth and is Articulate) to keepe everie parcell asunder or keepe any certaine Account, only at the end of the voyage to see what is sold and what is left and what is gained and what lost.

Ad 18. Articulum dicit et deponit That he heard comonly reported the supplie that was sent over in February 1632 was not sufficient for the said trade, and that (to this deponent's owne knowledge there was great want of Trucke that summer following as alsoe of Ammunition as Powder, shott and gunns, alsoe men, boates, apparell and other necessities, all which the

said Claiborne as farr as he could supplied out of Virginia to this deponent's owne knowledge And that the said Plantation was afterwards 2 yeares unsupplied by the said Cloberry and partners And further deposeth not.

P. R. O.
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Papers.

Ad 21. Articulum dicit et deponit That one John Goodfellowe did in February 1636 or thereabouts bring upp in a Pinnacle a supplie of servants and goods, and that the said goods were landed and putt into the stores belonging to the said Jointstocke, and that the same day the said Pinnacle brought upp the said supplie, the said Evelin tooke some of the said Trucke and went a trading, but how much and whether he went this deponent knoweth not, and further deposeth not.

Ad 22. Articulum dicit et deponit that in or about the 18th of May 1637 the said Claiborne did in the presence and hearing of this deponent and divers other freemen on the said Plantation, say to the Articulate Evelin, that if the said Evelin would give him the said Claiborne a bond of £3000 (to this deponent's best remembrance) not to alienate the said Plantation or any part thereof to the Marylanders or any other, and that he would not carry away nor sell the said servants of or from the said Iland, that then he the said Claiborne would deliver all the goods, servants and whatsoever else belonged to the said Cloberry and Company, But he the said Evelin then and there denied to give any such Bond whereupon the said Claiborne replied that for his part and as farr as it any way concerned him, he would not yield upp the said Plantation or any other goods or servants to the said Evelin to whome the said Evelin (to this deponent's best remembrance) answered that he did not care he would recover them by law, and have them whether he would or not And that within 2 or 3 days after the said Claiborne departed for England, and that the said Evelin both while the said Claiborne was there and after he was come for England, freely disposed and ordered all the Plantation and servants as he would, and that the said Evelin (to this deponent's owne knowledge) did appoint the said servants theire severall labors, some in one place, some in another.

Ad 26. Articulum dicit et deponit That the said Evelin about Midsomer 1637 did come unto the Ile of Kent and Plantations there and did by vertue of a letter of Attorney from the said Cloberry and Company, take full possession and command of all the Plantations, houses, goods, Mills, servants and whatsoever else belonged to the said Cloberry and Company as this deponent beleeveth, without any hindrance or interruption whatsoever in the said Cloberyes right And that Originall Browne was (to this deponent's owne knowledge for he hath seene a discharge under the said Evelin's owne hand

P. R. O. made to the said Browne of and from all manner of service
Colonial whatsoever either to the said Claiborne or to any other what-
Papers, soever in the said Merchant's right) lett goe free before his
time was expired, and that Thomas Audley, and John Scar-
brough theire times of service was by the said Evelin sold and
turned over to Servant Hugh Heyward, he this deponent being
att the same time partner with the said Heyward) for 600^{lbs} of
Tobacco yearly, and that Edward Parry and John Walker, told
him this deponent, that the said Evelin had sold them theire
times of service, and that the said Evelin told this deponent that
he intended to settle and did accordinglie raise and make a
Plantation to his owne use att Maryland, and told this deponent
that it would be better to live there, then where he did on the
Ile of Kent, and that the said Evelin for the purpose aforesaid
tooke with him many trees out of the garden att the said Ile of
Kent, and alsoe did transport or cause to be transported with
the said trees to his Plantation att Maryland aforesaid John
Ascu, Edward Deering, Andrew Baker, William Williamson,
and his wife, John Hatch, Phillipp West, John Dandy, and
John Hobson, and as the said servants afterwards told this
deponent he the said Evelin did employ and sett them to worke
on the said Plantation att Maryland with which servants fower
of them being carpenters and the rest labourers the said Evelin
as this deponent thinketh might have gained att least £10.
sterling a yeare a head one with another. And further de-
poseth not.


Ad 27. dicit et deponit That the said Evelin haveing by
vertue of the foresaid Letter of Attorney taken into his posses-
sion all the said Plantations on the Ile of Kent and goods,
servants, householdstufte, truckingstufte and other particulers
as aforesaid hath sold and made away with part of the said
householdstufte and other goods to the Inhabitants and free-
men there, and as this deponent hath heard hath transported
other part thereof to Virginia and Maryland, but what quantity
he knoweth not, and that the said Evelin sold to William
Medcalfe one sow with Pigg that was belonging to the said
Jointstocke, this deponent then liveing with the said Medcalfe
But to what valew the said goods, servants, householdstufte
and hoggs soe disposed of by the said Evelin were of, this
deponent knoweth not.

Ad 30. Articulum dicit et deponit, That all things therein
conteyned were and are true.

Ad 31. Articulum dicit et deponit That he this deponent
hath oftentimes heard Capt: Evelin say to the Inhabitants and
freemen on the said Iland, that it would be better to live under
the Government of Maryland then under the Government of
Virginia and did instance and give many reasons therefore,

first that they might carry their Commodities to what Country they would, which the Virginians could not doe, and 2^{ndly} that the said Claiborne's Commission was of noe force, but was for other places, as for Nova Scotia and other places neere New England, And that the said Evelin did att the same time command the letter of Attorney from Clobery and Murhead to be there read, unto whome M^r John Butler answered, Capt. Evelin what needs that noe body doth interrupt or hinder you in the Marchants busines, you have done already and may doe what you please none of us will meddle therewith, or words to this effect to this deponent's best remembrance, which words of the said Butlers the said Evelin did not contradict, nor could not justly soe doe as this deponent beleeveth and further deposeth not.

P. R. O.
Colonial
Papers.

The mark of
Thomas  Hailes

Rich: Moryson.

Will: Frith

Jurat: et exam: in presencia mei
et per me Will: Baulke notarii publici.

Will: Coxe de Insul: Kant in provincia de Maryland etatis
35 Annor. aut eo circiter natus infra pochiam de Scarcliffe in
Com Derby—

Testis in hac parte productus Juratus et examinatus

26. Maij 1640.

Ad 9. dicit et deponit that all things therein contained are true to this deponent's owne knowledge.

Ad 10. dicit et deponit That 6 of the servants sent in the shipp the Affrica died either comeing over or within 2 months after their arrivall on the said Iland viz^t John Thompson, Phillipp Hamblyn, John Dunne, Christopher Fleming, John Butler and Thomas Tripland, and that most of them that remained were weake and sicklie men and not able to helpe themselves much lesse to defend the Fort against the Indians, and that the said Claiborne was therefore necessarily constrained to hire other servants and freemen whose names are mentioned yearly in the articulate second schedule to saile the boates and other occasions about the said Plantation, amongst whome this deponent was one of the said freemen soe hired, and that if it had not beene for the love and goodwill, which this deponent and other freemen did beare to the said Claiborne they would not have served for twice soe much to any other, as they did to the said Claiborne, and that by their labours they could have gained above twice soe much in Virginia, and that other Traders and Planters paid as great or greater wages, and that it had beene impossible for the said Claiborne

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Papers.

with lesse then 40 able men to have maintained the said Trade and Plantation as hee did without this deponent's and other freemen theire assistance, and that it was and is necessary in the Months of March, Aprill, May and June for the said Trade to keepe at least 3 boates a broad well manned with 7 or 8 men in each of them with Gunns, Armes and Ammunition, And that the said Claiborne (to this deponent's owne knowledge for he hath often beene a trading with the said Claiborne in the Boates) did yearely maintain 3 boates well manned as aforesaid, and further deposeth that he hath perused the Articulate second schedule and knoweth that all the servants therein mentioned were hired and imployed upon the said Trade and Plantation, and that the said servants received such wages of the said Claiborne as are mentioned in the said Accounts, most part thereof this deponent was privy unto and to the rest he beleeveth to be true, because he knoweth the like men cannot now there be hired att greater rates for theire wages. And further deposeth not.

Ad 11. dicit et deponit That the Account hereunto annexed which this deponent hath read and considered over and over, and is as this deponent verely beleeveth a true and Just Account paid, laid out and expended for the use of the said Jointstock, and beleeveth that all things therein contained were necessarilie paid, laid out and expended, for the severall uses in the said Accounts respectively expressed and could not in the common estimation of men experienced in those affaires be bought, provided and performed for or with lesse charge, then the said Claiborne did, and that if any stranger had come thither, and paid for such labours as this deponent and others performed for the said Claiborne for nothing, the said Plantation and trade could not have beene upheld and maintained for Three times soe much in the said Accounts all which the premisses this deponent averreth he being all the time acquainted with those affaires and liveing all the while with the said Claiborne and privy to most of the proceedings, and further deposeth that concerneing the Truckingstufte and the proceeds thereof mentioned in the 2 last pages of the said Accounts, he remembreth not justly soe long past the particuler quantities traded for yearely by the said Claiborne, but to his best remembrance beleeveth that the first yeares Beaver 1632 bought for Tobacco and burnt Trucke with other Trucke brought by the said Claiborne from Virginia and the Dutch Plantation was not above 350 skinns or neere thereabouts, and the second yeares Beaver not above 900 or 1000 skinns, att the buying of many whereof, this deponent was present, and the said Dutch Cloath being but 19 peeces this deponent conceiveth that the same with the other trucke which then the

said Claiborne had could not amount unto above the said number of 900 or 1000 Beavers, and for all the yeares following this deponent knoweth that the trade hath growne deerer and deerer, and the said Claiborne did give greater rates and greater presents then formerly to induce the Indians to sell theire Beaver unto him, and this deponent beleeveth that the ordinary prize of Beaver in the yeares aforesaid in Virginia betweene the English hath beene formerly 8^s or 9^s a pound, and att this time about 6^s the pound.

P. R. O.
Colonial
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Ad 12. dicit et deponit That the said Claborne did bring to the said Iland divers Neate Cattle out of Virginia to the number of 28 or 30 at least as this deponent beleeveth for ells such a stocke of Cattle as the said Claiborne had att his goeing of, of the said Iland being 150 at the least could not have beene soe soone raised with a lesse number, and the milke of the said Cattle was a great nourishment to the people on the said Iland both in sicknes and in health And that this deponent and most or all of the freemen on the said Plantation would have beene willing to have given above 100^{lbs} of Tobacco yearly for the milke of everie Cowe and they the said freemen to have kept the said Cows and att the end of the yeare to have restored the said Cowes with theire encrease, the like bargaine of hiring, lending and restoring of Cattle is usuall in Virginia, And that if the grasse on the said Iland bee not fedd it wasteth, fadeth and burneth away, and is of noe value, And further deposeth not.

Ad 13. dicit et deponit That the said Claborne did most of the time of his trading with the Indians want truckingstufte especially the 2 first yeares after the said fire, and that the said Claborne told this deponent he did daylye expect to receive a supplie from his partners in England, and that the said Claiborne thereupon did provide boates, men and all things necessary, And (as this deponent beleeveth) if the said Claiborne had not wanted truckingstufte the said two yeares being before the Marylanders came to Maryland, he might have yearly bought 3000 skinns at least more then he did with the same boates, men and meanes soe provided as aforesaid or with little more charge, soe that the want of trucking stufte and the unnecessary providing of necessities in expectation of trucke was a great damage to the said Joint stocke and harmed not by any default or neglect in the said Claborne soe farr as this deponent could conceave, And further deposeth not.

Ad 14. dicit et deponit That all or most of the time of the said Claborne's abode on the said Iland after the foresaid fire, there was great want of Ammunition as Powder, shott and Gunns whereby the said Trade was hindred and the Plantation was in great danger to bee lost and the men cutt of by the

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Indians, and that the Indians did often attempt the same, and that there came betweene 3 and 4 score Indians to the Fort with an intent as was informed them by other Indians, to cutt of the said Plantation, and that thereupon this deponent seeing the said Indians come to the Fort, and fearing to be cutt of by them, did cutt severall Loope hooles on every side and end of the houses on the said Plantation, which the said Indians seeing, asked this deponent the reason why he cutt the said hooles, to whome he answered to shoot out att, for he heard they had an intent and came thither to cutt of the said Plantation whereupon the said Indians immediately after theire treachery being discovered departed, And that this deponent and other freemen and servants did much murmure and complaine to the said Claiborne for the want of the said Ammunition, and that the said Plantation is generally reported to be 50 leagues from the shipping in Virginia And that the said Claiborne did make severall Journies and often send thither to his great hindrance, and that the said Claborne did pay (as this deponent verely beleeveth for he often paid as much or more himselfe) two for one more then they cost in England, And that the said Claiborne paid the dearer because he deferred the buying of them till the last shippes comeing in, expecting supplies from his said partners, and that for the causes aforesaid every servant's apparell did yearely cost the said Claborne £5. 10. att least.

Ad 15. dicit et deponit That by the Industry and Care and by the supplies which the said Claborne procured the said Plantation thrived and prospered very well and as this deponent beleeveth better then ever any Adventures ever did in those parts, And that the interruption of the Marylanders, and theire takeing of the boates and pinnaces belonging to the said Plantation, with the trucking stuffe and goods in the same by reason whereof the said Plantation wanted Corne and the people were in danger to be starved, alsoe theire killing of three men viz^t Lief Raccleff Warren, John Belson and William Dawson and the want of a Patent, with the ill carriage of business by the said Capt. Evelin was the greatest cause of losse and damage to the Jointstocke and the overthrow thereof, and not by want of any Industry, care or meanes that the said Claborne could use or procure.

Ad 16. dicit et deponit That he this deponent hath often beene a trading with the said Claborne, when the said Claborne hath gott by trade with the Indians 5 skinns for one; more then M^r Harmer or Captain Fleet did, they being in the same bay a trading with the said Indians, and have told this deponent how many skinns they have gott. And beleeveth and hath heard that the Adventures for trade to Maryland and

Charles River have never beene soe profitable to the Adventurers as this Plantation and trade would have beene, if the said Clobery and Company had supplied the same and procured a Patent from the king for the same And further deposeth not.

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Ad 17. dicit et deponit That all things therein conteyned are true, to this deponent's owne knowledge.

Ad 18. dicit et deponit That after the supplie in February 1632: there was great want of trucke and of men, Gunns, Powder, shott, boates, apparrell and many other necessities, all or most of which the said Claiborne supplied and bought in Virginia, and that the said Plantation was afterwards two yeares unsupplied by the said Clobery and partners And that the supplie sent over in December 1634: was not sufficient for the trade and Plantation nor goods proper for the said trade and Plantation, And that if £321 then laid out in Dutch Hoes, Coates, Blanketts and Kettles, had beene laid out in Dutch Cloth and good axes, it would have yield above five times soe much as it did, for the Indians would not meddle with the great Kettles, Blanketts or hoes, or with very few of them And that the said Claiborne left a great part of the said Kettles and hoes behind him unsold with the said Evelin, when he went for England, and all or most of them which he did sell he sold to the Inhabitants and freemen on the said Plantation, And that some part of the Dutch Cloath was rotten before it came to the said Plantation and otherwise deposeth not.

Ad 22. dicit et deponit That the said Claiborne in or about the 18th of May 1637: being in preparation to come for England did in the presence and hearing of this deponent and divers other freemen and servants assembled upon the said Plantation make offer unto the said Evelin, that if he the said Evelin would give the said Claiborne a bond of £3000 not to alienate or sell the said Plantation and lland or any part thereof unto the Marylanders or any other and not remove or carry away any of the said servants from the said Plantation, that then he the said Claiborne would deliver unto the said Evelin all the goods, servants and whatsoever else belonged to the said Clobery and Company in the said Joint stocke according to the Inventory thereof, made betweene the said Evelin and Claiborne, of which each of them had a Coppie (as this deponent hath heard and verely beleeveth whereupon the said Evelin denied and refused to give the said Claiborne any such Bond and said he would recover them by law, or words to that effect (to this deponent's best remembrance) and that the said Claiborne 2 or 3 days after departed for England, and that the said Evelin both while the said Claiborne was there and in his absence freely disposed and ordered all the said Plantation and the said goods and servants and did

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Ad 26. dicit et deponit That the said Evelin about May 1637 came unto the said Plantation, and did there by vertue of the said letter of Atturney from the said Clobery and Murhead to this deponent's owne knowledge, take and had full possession power and Command of all the Plantations houses goods servants Mills and whatsoever else belonged to the said Clobery and Company on the said Plantation without any hindrance or interruption from M^r John Butler William Blizard or any other in the said Claiborne's right or otherwise, And that the said Evelin did order and appoint the said servants concerneing their labours, And that the said Evelin did sell and lett goe free the said servants as is articulate, before their times were expired, but for how much this deponent cannot certainly tell, And that the said Evelin did carry to Maryland contrary to his Authority in the said letter of Atturney to this deponent's owne knowledge, Ascu, Edward Deering Andrew Baker William Williamson and his wife, John Hatch Phillipp West John Dandy and John Hobson, and did there att Maryland imploy and sett them to worke upon a Plantation And further deposeth not.

Ad 27. dicit et deponit That the said Evelin by vertue of the foresaid letter of Atturney from the foresaid Clobery and Murhead hath soe taken into his power and possession as aforesaid and hath disposed sold and made away with the servants belonging to the said Jointstocke and carried them to Maryland and hath heard that the said Evelin did alsoe sell and carry away divers of the goods as Axes, Hoes and Kettles and divers other things belonging to the said Jointstocke, But for the whole estate there left by the said Claborne belonging to the Jointstocke (excepting the said Claborne's particular estate) and take possession of and enjoyed by the said Evelin by vertue of the said Clobery and Murhead's letter of Atturney, this deponent beleeveth were then of good valew viz: the servants being 36 in number, whose names are mentioned in the articulate Accounts which this deponent hath seene and perused) att the valew of £500. whose labours many of them being Carpenters and Coopers might have beene imployed to a greater benefitt, concerneing their Trades, And this deponent alsoe beleeveth that the truckingstufte householdstufte Pipestaves boates and other goods then mentioned in the Inventory was worth or might easily have beene gained the valew of £900: And this deponent alsoe beleeveth and valueth the 3 Mills one then goeing and 2 in frames to be worth £300: And lastlie he valueth the Plantation, Houses, Pipestaves, the Orchard, Hoggis

and the right of the whole Iland with other Ilands thereunto belonging to £1500: And this deponent beleeveth that the freemen on the said Iland would all willinglie have agreed together and have bought the said Estate soe left by the said Claborne in the hands of the said Evelin, and would have given according to the rates above said and that within 2 yeares time.

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Ad 30. dicit et deponit That the said Evelin did in November 1637 come upp to the said Plantation and brought a Commission under the Colony Seale of Maryland, by vertue whereof the said Evelin was made commander of the said Ile of Kent, and did by vertue of his said Commission summon the Inhabitants and Freemen on the said Iland to appeare before him att the Fort, and did there in the presence of this deponent and the rest of the Freemen there assembled command the Patent of Maryland then brought upp with him by M^r Zachary Mattersedd gentleman of Maryland, but the said Freemen did not consent thereunto Att which time it was demanded of the said Capt: Evelin by M^r John Butler whether he were an agent for the said Clobery and Company or for the Marylanders, and that the said Evelin answered he was for both. This deponent goeing then out of the roome cannot further depose.

Ad 31. dicit et deponit That the said Evelin the same day and afterwards advised (in this deponent's hearing) the Inhabitants and Freemen that they should take heed what they sayd, saying further that it would be better to live under the Government of Maryland then under the Government of Virginia, because they might carry theire Commodities and Pipestaves and other goods into what country they would, which the Virginians could not, and did persuade them by many other privileges and reasons especially to this deponent privately, saying that Tobacco did yield a good price in Holland and Spaine, And that the said Evelin, did, att the same time in this deponent's hearing command the said letter of Attorney from the said Clobery and Murhead should be there read, unto which M^r John Butler answered Capt: Evelin what needs that noe body doth interrupt you in the Marchants busines you have done alredy and may doe what you please, none of us will meddle therewith or words to this effect, which speech of M^r John Butler, all the Inhabitants there present agreed, and further deposeth not.

Will: Coxe.

Recognit: coram me

Francis Wiat.
Sam: Mathews

Jurat: et examinat: in presencia mei,
et per me Will: Baulke notarii
publicum.

John Harvey.

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Ric: Thompson de Insul: Kant in provincia de Maryland etatis 27. Annor. aut eo circiter natus infra Civit: Norwich in Com. Norfolk.

Testis in hac parte productus Juratus et examinatus dicit et deponit.

Ad 9. dicit et deponit That the said Claborne procured divers Freemen to go up with him and plant upon the said Plantation by reason the servants belonging to the said Jointstocke was not of sufficient strength against the Indians who had lately cutt of a Plantation there and slaine 30 or 40 Dutchmen which lived not farr for thence, and sought and attempted to doe the like to the said Plantation, And that the said Claborne did hire and bring thither divers servants, this deponent being one of them The names of the rest are mentioned in the said Account, without the assistance of which said freemen and servants the said Plantation and trade could not have beene upheld and defended And that the said Freemen did not hinder the said trade or buy any beavers of the Indians for themselves, or did not hurt anything of the said Jointstocke but did very much further the same in goeing a trading for the said Claborne, and in many other particulars.

Ad 11. dicit et deponit That he this deponent hath considered and perused often over the Accompts articulate, and findeth that a great part of the disbursements therein mentioned to be paid laid out and expended by the said Claborne, are (to this deponent's owne knowledge) true and soe paid laid out and expended, as is sett downe in the said Accompts, and the residue thereof this deponent beleeveth to be true and very reasonable and necessary laid out and expended for the use and benefitt of the said Jointstock, and could not in the Common estimation of men experienced in those affaires be bought provided and performed for or with lesse Charge then is sett downe in the said Accounts, and this deponent being now a Trader with the Indians, and following the said Employments the said Claborne did, beleeveth that the said Claborne did manage the said Trade and Plantation with as little or lesse charge, as any man could possible have done, And further sayth that the severall somes in the said Accounts mentioned, for truckingstuffle servants apparrell, boates, housekeeping, servants wages, allowance to the severall Ministers, gunns, Munition, Surgery, Expences in Journeys, buying of a stocke of hoggs, working tooles and other necessities therein expressed were soe laid out by the said Claborne And that all the servants therein mentioned, were there imploied by the said Claborne, And further this deponent saith to the generall Account of the Truckingstuffle and proceeds thereof mentioned in the 2. last pages of the said second schedule that he this deponent hath seene the

particular noate of the Truckingstufte left after the fire, and that the most parte thereof was spoiled as the Beades a great part whereof were melted into Lumps, the knives and sizors worth little or nothing and left there for the most part till this time, the Kettles were the bottomes and sides burnt melted out and all brused, the Copper was a great part wasted, The Axes and hoes were spoiled and a Charge to temper a new, yett with the same burnt trucke and other trucke in the said Accounts mentioned to be bought by the said Claborne in the yeares 1631 and 1632, the said Claborne bought, to the best of this deponent's remembrance, being most of any privy to the trading busines 6 or 700 of Beaver and not above as he beleeveth, of which Beaver this deponent knoweth 3 hhds were sent for England in the end of the yeare 1632: And for the Beaver which the said Claborne traded for the yeare 1633: This deponent was by the said Claborne sent upp to the Ile of Kent to fetch that parcell downe to Virginia, and was intrusted with the tale and waight thereof, and to this deponent's best remembrance it came to about 1400 or 1500 waight, But this deponent saith that the said Claiborne did pay besides the said parcell, other parcells of Beaver this yeare to other men, but the sommes and quantities he cannot justly say, But beleeveth the estimation of the whole quantity of Beaver which was gotten that yeare which this deponent had the keeping of, it did not amount unto above sixteene or seaventeene hundred weight in all, according to an Account thereof, which this deponent hath seene and beleeveth to be true, and after this time this deponent went free from the said Claborne's service and tooke noe more particular notice of his the said Claborne's trade for Beaver, but traded for himselfe and other men in regard the said Claiborne did not offer this deponent such wages as he thought he should deserve, and for the yeares following this deponent knoweth that the Trade for Beaver was much spoiled, by the meanes of the Marylanders and other Traders, And the Indians have ever since sold their Beaver dearer and dearer, and for the prize of the said Beaver which in the said Accounts is mentioned to be disburst by the said Claiborne att 6^s 8^s and 10^s a pound, this deponent sayth that comonly Beaver betweene the English in the yeares aforesaid 1632: 1633: 1634: hath passed for 6^s and 7^s a pound for Comodities as they cost in England, and for 10^s in leiu of money to be received or paid But since the said yeare 1634 it hath beene at a lesse value among the English Further this deponent sayeth that a great part of the supplies of Trucke sent in Anno 1634 was improper for the said Trade, as great Kettles, Dutch fashioned Hoes, Blanketts, Coates, Scrapers, and sword blades, which

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improper trucke this deponent heard the said Claiborne find fault with, and say it came to above £300 sterling which some, if it had beene laid out in good Dutch Cloath such as part of the supplie that yeare was, and spanish Axes, of which this deponent never knew the said Claborne to have any that the Indians well liked This deponent verely beleeveth that it would have yielded to the value at least of £1500 sterling or more.

Ad 12. dicit et deponit That the said Claiborne did to this deponent's owne knowledge, bring to the said Iland divers Neate Cattle out of Virginia, to the number of 30 as this deponent thinketh, by reason there was soe great a number as 140 at least when the said Claborne went for England, and that the milke of the said Cattle was a great nourishment to the Inhabitants on the said Iland, both in sicknes and health, And that the said Claborne might have had (as this deponent verely beleiveth) 100^{lbs} of Tobacco yearly for the milke of every Cow, and they the said freemen to have kept the said Cowes and att the end of the yeare to have restored the said Cowes with their encrease, and the like bargaine of lending hireing and restoring of Cattle is usuall in Virginia And that the Grasse on the said Iland, if it be not fedd it wasteth and burneth away And further deposeth not.

Ad 13. Dicit et deponit That the said Claiborne did all the time of his trading there with the Indians want truckingstuffe (to this deponent's owne knowledge, for he did trade for and with the said Claborne and hath often seene the Indians bring more Beaver to the Plantation and to their boates then they had trucke to buy it with And that the said Claborne did provide Pinnaces boates men and all things necessary thereunto acording as is mentioned in the said Accounts, and that the said Claborne if he had not wanted trucking stuffe might have yearly bought (as this deponent beleeveth) att least twice soe much Beaver as he did or more with the same boates men and meanes, soe that the want of truckingstuffe and the unnecessary providing of the said things in expectation of Trucke, was a great damage to the Jointstocke which damage hapned not by the default or neglect of the said Claborne as this deponent conceiveith And further deposeth not.

Ad 14. Dicit et deponit That from time to time divers yeares during the said Claborne's aboade upon the said Iland and Plantation, there was great want of Ammunition as Powder, shott and Gunns whereby the said trade was hindred and the people upon the said Iland were in great danger to be cutt off by the Indians, and were almost afraid to stirr out of doores, and the people did much complaine to the said Claiborne thereof, and that this deponent had his Plantation there cutt off by the Indians and a man and a child slaine by them and two

more servants hurt by them, And that there was great want of servant's apparrell and many other necessities, And that the said Plantation is esteemed 50 leagues from the shipping in Virginia, And that the said Claborne did make many Journeys and often sent to Virginia to his great hindrance (to this deponents owne knowledge) and that he paid for all such Commodities at least two for one for this deponent hath often paid soe, both for him the said Claborne and for himselfe since that time, and this deponent beleeveth that the said Claborne paid the dearer because he deferred the buying of them till the arrivall of the last shipp there in expectation of supplies (as he the said Claborne told this deponent) from his said partners in England, and that thereby everie servants apparrell, did yearly cost the said Claborne as this deponent beleeveth at least £5. 10. And further deposeth not.

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Ad 15. Dicit et deponit That by the said Claiborne's Industry and Care and by the supplies aforesaid procured by the said Claborne, and his other disbursments the said Plantation thrived and prospered very well and better then ever any Plantation ever did in those parts (as this deponent beleeveth or could ever heare of, And that the interruption of the Marylanders and their takeing of the boates men and goods therein, and their killing of the three men viz^t Lief Warren, John Belson and William Dawson and the want of a Patent from the king and the ill carriage of busines by Capt: George Evelin was the greatest cause of losse and damage to the said Joint stocke and not by any want of care and industry that the said Claborne could use or procure And further deposeth not.

Ad 17. Dicit et deponit That all things therein conteyned are true to this deponent's owne knowledge.

Ad 18. dicit et deponit that the supplie sent in the James and Revenge in or about the month of Decemb^r 1634 was not sufficient nor of goods proper for the said Trade and plantation, and that if the money then laid out in Dutch hoes, Coates, blanketts and Kettles had been expended in Dutch Cloath and good Axes, it would have yielded a very great profitt wheareas that part of the supply then sent as aforesaid would yield very little profit by reason the Indians would buy very little of them, therefore the said Claborne did sell some of them to the Inhabitants and Freemen on the said lland, and a great part of them was left unsold when the said Claborne went for England, And that the Wampampege then sent was to little for the said trade, and that good Wampampege was not then worth above 10^s a fathome in Virginia, to this deponent's owne knowledge, And that part of the Dutch Cloath was rotted as was supposed on shipboard, before the said Claborne received it.

Ad 26. Dicit et deponit That the said Evelin about Midsomer 1637 did come to the said Plantation and did there by

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vertue of a letter of Attorney from the said Clobery and Murhead, take and had full possession, power and Command of all the Plantations Houses goods Mills, servants, and whatsoever belonged to the Jointstocke on the said Iland, without any hindrance or interruption from M^r John Butler William Blizard or any other in the said Claborne's right, as this deponent beleeveth, and that the said Evelin did order and direct all the said servants theire severall labours some to one thing some to another, and did sell some of the said servants theire times of service, and did lett others goe free as is articulate, and that the said Evelin did transport or cause to be transported to Maryland John Ascu Edward Deering John Hatch Phillipp West John Dandy John Hobson Andrew Baker William Williamson and his wife and did to this deponent's owne knowledge employ and sett them to worke upon a Plantation att Maryland, by whose worke the said Evelin hath gained or might have gained, as this deponent beleeveth, fower of the said servants being Carpenters, yearly 10000^{lbs} of Tobacco and find them Clothes and further deposeth not.

Ad 27. Dicit et deponit That the said Evelin by vertue of the said letter of Attorney, from the said Clobery and Murhead as aforesaid hath soe taken into his power possession and disposition as aforesaid and hath disposed sold and made away with a great part of the said goods unto this deponent and other Freemen on the said Iland And that the said Evelin to this deponent's owne knowledge hath transported other part thereof to Maryland and to Virginia, and there sold and disposed of the Axes hoes &c. But for the valew of the whole estate then left by the said Claborne belonging to the Jointstocke (excepting the particuler estate of the said Claborne) taken possession and Injoyed by the said Evelin by vertue of the said Clobery and Murheads letter of Attorney, this deponent beleeveth were then of good valew, viz^t the servants being 36 in number att the valew of £500 whose labors many of them being Carpenters and Coopers might have beene employed to a greater benefitt in making Mills Pipestaves and other good workes, Next this deponent rateth the trucking-stuffe, householdstuffe, Pinnaces, boates, and other goods then mentioned in that Inventory to be worth £900. or £1000. sterling and might easily have beene made of a farr greater valew, And that lately the Government of Maryland asked this deponent for some part of the trucke then yett remaining 16000^{lbs} of Tobacco And this deponent hath been offered by a Marchant 2^d $\frac{1}{2}$ a pound for Tobacco to be paid by bill of Exchange, Then the Windmill goeing and 2 frames of Mills this deponent valeweth att £400 sterling, and lastlie the Plantation, Houses, Pipestaves, the Orchard, hoggs, and the

right of the whole Iland with others Ilands att £1000. att least, and this deponent beleeveth that the Freemen upon the said Iland would all have generally beene bound together to have bought the said Estate, soe possessed by the said Evelin, att the above said rates and to have paid the same in 2 or 3 yeares.

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Ad 30 Dicit et deponit That the said Evelin in or about the Month of November 1637. did come upp to the said Plantation and brought thither a Commission under the Colony Seale of Maryland, by vertue whereof the said Evelin was made Commander of the said Ile of Kent and did by vertue of his said Commission summon the Inhabitants and Freemen on the said Plantation to appeare before him at the Fort And did there in this deponent's and the rest of the Freemen there assembled command the Patent of Maryland, then brought upp by M^r Zachary Mottersedd a Gentleman of Maryland to be read, although the said Freemen did not consent thereunto, And that att the same time it was demanded of the said Evelin, whether he were an agent for the said Clobery and Company or for the Marylanders, whereupon he the said Evelin answered, he was for both, and further the said Evelin then said that whereas he had lately spoken against the Maryland Patent, and that the said Claborne's Patent was firme and good against the same, now he the said Evelin was better informed and was formerly mistaken, But now he the said Evelin understood it better, or words to that effect to this deponent's best remembrance, And further deposeth not.

Ad 31. Dicit et deponit That upon the reading of the said Clobery and Murhead theire letter of Atturney articulate, this deponent heard M^r John Butler say, Captain Evelin what needs that, noe body doth interrupt you in the Marchants busines, you have done already and shall doe what you please none of us will interrupt you, or words to the like effect, Neither doth this deponent knowe that anybody did interrupt or hinder the said Evelin in the peaceable injoying of the estate belonging to the said Jointstocke to the said Clobery and Company except M^{rs} Gartrude James who by vertue of a Deede from the said Claborne did claime one sixt part of the same in the right of the said Claborne but was denied by the said Evelin to have any part thereof neither could she recover itt.

Ad 32. Dicit et deponit That the said Evelin did att his goeing away make severall letters of Atturney to the articulate, M^r Lugarr and Walker who have thereby injoyed and disposed of a good part of the said Jointstocke, but what the vawle thereof be, this deponent cannot certainly sett downe. And otherwise deposeth not.

Ad 34. Dicit et deponit That the said Evelin did neglect to

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gett Corne by trade when the Plantation stood in need thereof and might have gott it by severall meanes with the estate of the Jointstocke then in his hands, but did contrarywise lend or sell two peeces of Trading Cloath to the Governor of Maryland, with which he might have to this deponent's owne knowledge, gott Corne and supplied the said Plantation, And that the Governor of Maryland did (by persuasions as he this deponent hath heard) come upp to the said Plantation, with the said Evelin, and 40 armen men att least and landed upon the said Iland, and did take possession thereof, and did take M^r John Butler and Thomas Smith Prisoners and carried them to Maryland wher the said Smith was condemned to this deponent's owne knowledge, for he did baile the said Smith att that time, And that the said Governor hath since againe come upon the said Iland and Plantation and hath wholly reduced the said Iland and the Inhabitants under the Government of Maryland and hath hanged the said Smith and Edward Beckler as Rebels, and hath confiscated all the Estate of the foresaid Clobery and Company and hath not only disposed and carried away both the estate and servants of the said Jointstocke, but alsoe other goods Tobacco servants and Cattle, belonging to the particuler Estate of the said Claiborne, But what the particuler Estate of the said Claiborne was then worth this deponent knoweth not how certainly to sett downe but beleiveth the goods and servants being 16 in number viz^t Thomas Yoall, Robert Cooper Robert Lake, John Glantam John Russell William Tawbott William Jackson Thomas Kidd Nicholas Pawlhampton Edward Hall Mathew Preist Richard Raymond Richard Smith William Freeman William Jones and Edward Griffin, as alsoe with the said Tobacco was worth threescore Thousand Weight of Tobacco and Tobacco was then worth 3^d per pound att least, And for the vawle of all the said Cattle that the said Governor hath killed taken and disposed of are or might have beene by this time with their encrease as this deponent beleeveth to the number of 200 head or more, and worth att least 6 or 7^s a head one with another there being noe other Cattle on the said Iland att that time, and this deponent and many other would willingly have given as much or more for everie of the said Cattle one with another And further deposeth not.

Ric: Tomson

Recognit coram me

Jurat: et examinatus in presencia mei,
et per me Will: Baulke notarii
publicum.

Francis Wiat
Sam: Mathews

John Harvey.

Edmundus Deering de Insul: Kant in provincia de Mary-
land etatis 25 Annor. aut eo circiter, natus infra pochiam de
Somssoin in Com. Suffolk

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Testis in hac parte productus Juratus et Examinatus.

Ad 17 Articulum Dicit et deponit, That to this deponent's owne knowledge, this Article is true, for he was allwaies imploied a trading with the said Claiborne and hath seene the passage of the Indians in their trade, And this deponent hath since traded for the Marylanders, and knoweth that they use to keepe noe other Account, then is Articulate.

Ad 24. Articulum dicit et deponit, That to this deponent's owne knowledge, the said Evelin, with some others with him, did seize upon the Pinnace Elizabeth att Kecaughton in Virginia and did there dispose of Corne and Tobacco then laden aboard her to divers men in Virginia, to the valew (as this deponent beleiveth) of £400 sterling, there being 50 Barrells of Corne att least, and everie barrell of Corne was then worth 500^{lbs} of Tobacco, and Tobacco was then worth 4^d per pound, There being alsoe then laden aboard the said Pinnace 30 hogsheads of Tobacco or thereabouts, And that the said Evelin then carried this deponent and the said Pinnace upp to James Towne And further deposeth not.

Ad 26 Articulum Dicit et deponit That the said Evelin did by vertue of a letter of Atturney from the said Clobery and Murhead come upon the said Plantation and Ile of Kent (as is articulate) and take possession, power and Command of all the Plantations Houses goods servants Mills and whatsoever else belonged to the said Jointstocke on the said Plantation and Ile of Kent without any hindrance or interruption of any (as farr as this deponent knoweth or hath heard) in the said Claiborne's right, and that the said Evelin did order and direct this deponent, and all the rest of the servants concerneing their Labours and that this deponent and the said servants did obey the said Evelin, as they had formerly done the said Claiborne And the said Evelin did appoint some of the servants the makeing of Pipestaves, and that the servants articulate were by the said Evelin sold and lett goe free, before their times of service were expired (as is articulate) And that the said Evelin did place Monjoy Evelen att Patomeck to learne the language, and that the said Monjoy Evelin had severall parcells of trucke with him thither, And the said Capt: Evelin hath received for some part thereof att least 50^{lbs} of Beaver and for the residue thereof he this deponent knoweth not what the said Evelin hath received, and that the said Evelin did transport and carry to Maryland John Ascue Andrew Baker William Williamson and his wife, John Hatch, Thomas Baker Phillipp West John Dandy John Hobson and this deponent

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and did there att Maryland, imploy and sett them to worke upon a Plantation there, by which Plantation and other worke done there by them, the said Evelin hath gained or might have gained by the said servants labours att least 8000 weight of Tobacco att least, and find themselves Cloathes, And further deposeth not.

Ad 27. Articulum Dicit et deponit That the said Evelin did by vertue of the said letter of Atturney, from the said Clobery and Murhead, take into his power possession and disposition, and hath disposed sold and made away with severall parcells of the householdstuffe and other goods, And did att one time transport and carry to Maryland (to this deponent's owne knowledge, for he was imploied in the boat that brought them) tenn Kettles, two setts of Wedges, a Crow of Iron, a fire shovell and tongs, a greed Iron, a pestle, a great iron pott, knives, a new grapnell, all att one time, And to this deponent's best remembrance, he the said Evelin did att other times bring thither, other part of the householdstuffe and other goods, but the severall parcells he this deponent cannot well remember, And that the said Evelin did (to this deponent's owne knowledge) transport or cause to be transported to Virginia, divers great Kettles, and Tenn Barrells of Corne, but the valew of the said goods and Corne, soe sold and transported to Maryland and to Virginia as aforesaid, this deponent knoweth not, and further deposeth not.

Ad 38 Dicit et deponit That he this deponent beleiveth that the servants that are mentioned in the Articulate Accounts which the said Claiborne brought upon the said Iland and which were not sent by the said Clobery and Company, did as much worke and labour for the use of the said Jointstocke on the said Trade and Plantation, as any of the servants belonging to the said Jointstocke upon the houses and grounds att the Articulate Plantation called Craford; And that if the said servants belonging to the said Jointstocke did helpe the said servants belonging to the said Claiborne att Craford, in weading of Corne, shipping of Tobacco or any other worke, the said Claiborne's servants att Craford, did as much or more worke for the benefitt of the said Jointstocke in leiwe thereof And further deposeth not.

signed Z Edmondi Deering

Rich: Moryson.
Obedience Robins
Will: Frith.

Juratus et exam: in presencia
mei, et per me Will: Baulke
notarium publicum.

Johannes Butler de Insul Kant in provincia de Maryland
geñ etatis 39 Annor. aut eo circiter natus infra pochiam de
Roxswell in Com. Essex geñ.

Testis in hac parte productus Juratus et examinatus.

Ad 11. Articulum Dicit et deponit That he this deponent hath seene the Accounts articulate, and that to his judgement he beleiveth them to be true, And that as farr as he had any knowledge of them, or any thing therein doth concerne him this deponent, they are true, and such servants as are sett downe, during this deponent's aboad were soe imploied there, and theire labours were necessary and requisite for the said Trade and Plantation, and that the things therein sett downe, were laid out and expended by the said Claborne (as this deponent verely beleeveth) for the severall uses therein respectively expressed, and could not as this deponent beleiveth be bought provided and performed for or with lesse Charge, then the said Claiborne did, And this deponent being formerly a trader with the Indians, and following the said employment and trade, beleiveth he cannot provide all the said necessities as the said Claiborne did for soe little Charge, as are sett downe in the said Accounts, And that if the said Claborne had hired such men as went upp with the said Claborne (out of good will to the said Claborne) and did very much assist him the said Claborne, on the said Plantation and Trade in his Boates) it would have cost him the said Claborne a great deale more then it did And further sayth concerneing the said Accounts, that for a great part thereof, he knoweth, and for the other part beleiveth, that the severall sommes in the said Accounts mentioned to be true for Truckingstufte, servants apparrell, boates, housekeeping, servants wages, Allowance for the severall Ministers, Gunns, Munition, Surgery, Expenses in Journeys, buying a stocke of hoggs, working tooles, and other necessities therein expressed were soe laid out by the said Claiborne on the said Plantation, and this deponent knoweth that the said Trade hath yearely growen deerer and deerer, and this deponent beleiveth that the ordinary price of Beaver was then worth in Virginia, betweene the English Eight shillings or Nine shillings the pound and now worth not above 6 or 7^s a pound And further deposeth not.

Ad 13. Articulum Dicit et deponit That the said Claiborne (to this deponent's owne knowledge) did in the time of his trading with the Indians, especially in the yeares 1635 and 1636 want Truckingstufte And that this deponent hath often heard, the said Claiborne say, he did expect to receive some from his partners out of England And that the said Claiborne did provide Pinnaces, boates, men and all things necessary thereunto, as is articulate, And that the said Claiborne if he had not wanted Truckingstufte as aforesaid might have (as this deponent beleiveth) bought with the same boates, men, and meanes (which he the said Claiborne had and provided as aforesaid) much more beaver then he did, soe that the un-

P. R. O. necessary providing of things in expectation of Trucke, was a
Colonial great damage to the said Jointstocke, and hapned by the
Papers. default of not sending of Truckingstufte, and not by want of
the Care or Industry of the said Claiborne (as this deponent
believeth) and further deposeth not.

Ad 14. Articulum Dicit et deponit, That there was in the
yeares 1635 and 1636 many necessities wanting on the said
Plantation, especially servants apparrell and necessities for
boates, soe that the said Claiborne, was therefore (to this depo-
nent's owne knowledge) constreyned to goe to Virginia to
supplie the said Plantation, and that the said Claiborne did
pay for all such Commodities two for one and sometimes
more, then they cost in England And this deponent beleiveth
the said Claiborne paid the deerer, for all such Commodities,
as he bought in Virginia, because he deferred the buying of
them, till the last shipp's arrivall in Virginia in expectation of
Trucke to be sent from his said partners, by which meanes
every servants apparrell did yearely (as this deponent beleiveth)
cost the said Claiborne att least £5. sterling And soe much
and more this deponent hath laid out for apparrelling his owne
servants, which he did then and since hath kept upon the said
Plantation on the said Ile of Kent.

Ad 15. Dicit et deponit, That by the said Claiborne's In-
dustry and by the supplies aforesaid, the said Plantation (to
this deponent's owne knowledge) thrived and prospered very
well, and better then ever any such Adventure, did on the said
Iland, or in other parts as this deponent knoweth of, And that
the Interruption of the Marylanders in takeing the Pinnacle
Longtaile in the yeare 1635 was a great hindrance to the said
Jointstocke, soe that in the months of May and June of that
yeare, the people on the said Plantation were in great danger
to be starved for want of Corne, as farr as men could imagine
haveing noe boates to helpe themselves, and that att that time
the people on the said Iland haveing noe Corne to feed on,
the said Claiborne did send out Leif^t Warren, with divers men
under his Command to goe to Maryland, for the said Pinnacle
Longtaile, But the Marylanders then killed three of the said
Claiborne's men viz^t the said Warren, John Belson, and William
Dawson, all which hindrance of the said Marylanders, and by
reason the said Claiborne had not a Patent under the King's
broad seale, were the greatest causes of damage and losse to
the said Jointstocke And this deponent never hard nor knew,
that the said Claiborne neglected to use his best care and
Industry, for the good of the said Trade and Plantation, and
further deposeth not.

Ad 20. Dicit et deponit That the landing of the articulate
Evelin on the said Plantation was (to this deponent's best re-

membrance) in or about the Months of November or December, 1636, and that he the said Evelin did then speak severall times against the pretended right of the Marylanders, to the said trade and Plantation, and did speake against the Governor of Marylands Grandfather, saying he was but a Grasier, and is M^r Colvert his sonne and the now Governor of Maryland, such a fellow now, and that he the said Governor was a very Duncce and Blocked when he went to schoole, and is he come to this already, And that the said Claiborne's Commission from the king and the king's letter in Confirmation thereof was firme and strong against the said Maryland Patent, and further deposeth not.

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Ad 21. Dicit et deponit, That in or about February 1636: one John Goodfellow did bring upp in a Pinnace from the shipp the Elizabeth and Sara a supplie of servants and goods, which goods and servants the said Evelin, then said were consigned, to him the said Evelin, by the said Cloberry and Murhead, And that the said Evelin did in the presence and hearing of this deponent give directions for the landing of the said goods and servants on the said Plantation To which the said Claiborne (for ought that this deponent could see) did not shew any dislike and did advize and assist him the said Evelin in the imploiment of the said servants and goods, and that the said Evelin soone after the said goods and servants soe landed on the said Plantation, tooke certaine peeces of the said Trading Cloath and Axes into the Pinnace Elizabeth and did goe a trading into Patomeck River (as this deponent beleiveth) But how many peeces of Cloath and how many Axes the said Evelin did then take with him, and whether he hath given any Account thereof, this deponent knoweth not.

Ad 22. Articulum Dicit et deponit That the said Clayborne in or about May 1637 was in preparation to come for England, and did in the hearing and presence of this deponent and divers freemen & servauntes assembled on the said Plantation make offer unto the said Evelin that if he the said Evelin would give the said Claiborne for the use of the said Clobberie and Company a bond of £3000 not to sell or make away with the said Plantation and Ile of Kent unto the Marielanders, or any other, and that he the said Evelin would not remove or carrie away any of the servants from the said Iland that then he the said Claiborne would deliver and assigne over unto him the said Evelin all the goods servants and whatsoever else belonged to the said Clobberie and Company in the said Joyntstocke according to an Inventorie thereof made and prepared by the said Claiborne and the said Evelin, of which each of them had a copie But the said Evelin then and there denyed and refused to give anie such bond, Upon whose refusall of the said Evelins

P. R. O. Colonial Papers. the said Claiborne replied that for his owne parte and as farre as yt any way concerned him the said Claiborne, he would not assigne over the said Plantation or anie of the servants or goods unto him the said Evelin, whereupon the said Evelin replied that he did not care to have any such assignment from him the said Claiborne for that he would recover them by lawe or words to that effect and that within a day or two after, the said Claiborne went for England, And that the said Evelin both while the said Claibornes aboard on the said Iland, and after his departure for England, the said Evelin did freely dispose and order all the said Plantation and the goods and servants as hee thought good, And further deposeth not.

Ad 23. Articulum dicit et deponit That the said Evelin being aboard the Pinnace Elizabeth in the Bay of Virginia in or about the month of May 1637 was by the said Claiborne demanded that both he the said Evelin and the said Claiborne might signe underwrite and deliver each to other the Inventorie of the Estate of the said Clobberie and Companie and the said Evelin then and there denied to doe the same or to give any bond as aforesaid for the true conserveing of the foresaid estate, servants and Plantations according to a Proviso in the end of the foresaid letter of Attorney from the said Clobberie and Murhead to the said Evelin, which letter of Attorney the said Evelin then first shewed the said Claiborne and this deponent, All which demands of the foresaid Claiborne from the said Evelin, with severall other particulars then done and acted, were then testified in a writing under the hand of this deponent and divers others.

Ad 25. Dicit et deponit That the said Evelin did about June 1637: goe to the Governor and Councill of Virginia att James Citty, and there shewed his letter of Attorney from the said Cloberry and Murhead upon sight whereof, and upon the petition of the said Evelin, the said Governor and Councill of Virginia granted their warrants for the seizing on the goods and boates in that Colony, which belonged to the said Cloberry and Company or to the said Claiborne, which said warrants were accordinglie executed, and the said Evelin did by vertue of the said Warrants seize upon the Pinnace Elizabeth then riding against James Citty, And that the said Governor and Councill att the Petition of the said Evelin did then require and take bond of this deponent with condition that he should not meddle or oppose the said Evelin in any thing that he did concerneing the estate of the said Cloberry and Company which Condition this deponent afterwards observed, and did not doe any thing to the contrary on the behalfe of the said Claiborne or otherwise.

Ad 26. Dicit et deponit That the said Evelin about Mid-somer 1637 did come to the said Plantation and Ile of Kent

and did there by vertue of the foresaid letter of Attorney (to this deponent's owne knowledge) take and had full possession and Command of all the Plantations, houses, goods Mills servants and whatsoever else belonged to the said Jointstocke, in the said Plantation, without any hindrance or interruption from this deponent William Blizard, or any other in the said Claiborne's right (to this deponent's knowledge) And that the said Evelin did appoint divers of the servants to make Pipe-staves, and other worke as is articulate, and that the said Evelin did transport and carry to Maryland John Ascu Edmund Deering Andrew Bakèr, William Williamson and his wife, John Hatch, Phillipp West, John Dandy, John Hobson, and did (as this deponent hath heard) imploy and sett them to worke upon a Plantation there, And further deposeth not.

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Ad 27. dicit et deponit That the said Evelin by vertue of the foresaid letter of Attorney from the said Clobery and Murhead hath soe taken into his power and possession as aforesaid, and hath sold and made away with part of the householdstufte, truckingstufte and other goods to the Inhabitants and Freemen on the said Plantation, and hath transported other part thereof to Maryland and to Virginia, and there sold and disposed of Kettles, Tradeing Cloath and other things as is articulate But the valew of the said goods soe sold and disposed of by him the said Evelin, this deponent cannot certainly sett downe And further deposeth not.

Ad 28. Dicit et deponit That the said Evelin delivered the Governor of Maryland severall peeces of Dutch trading Cloath and other truckingstufte, but how many peeces or how much Trucke or what he the said Evelin hath received therefore this deponent knoweth not and further deposeth not.

Ad 29. dicit et deponit, That (to this deponent's owne knowledge) the said Evelin did soone after the departure of the said Claiborne for England, goe severall times to Maryland, and did there (as this deponent beleiveth) invite and persuade the Governor of Maryland to come with armed men, and take possession of the said Plantation and Ile of Kent, Because the said Governor of Maryland did tell this deponent he had not soe soone come to possesse the said Ile of Kent if the said Evelin had not much urged him thereunto And further deposeth not.

Ad 30. Dicit et deponit, That the said Evelin in or about November 1637: came upp to the said Plantation from Maryland, and to this deponent's owne knowledge, brought a Commission under the Colony Seale of Maryland by vertue whereof he the said Evelin was made Commander of the said Ile of Kent And by vertue of the said Commission summon the Inhabitants and freemen on the said Plantation to appeare

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before him att the Fort, and did there in the presence and hearing of this deponent and others there assembled command the Pattent of Maryland then brought upp with him by M^r Zachary Matterseed gentleman of Maryland to be read, whereupon it was demanded of the said Evelin (by this deponent) whether he were an agent for the said Clobery and Company or for the Marylanders, and that the said Evelin then answered this deponent he was for both and further deposeth not.

Ad 31. dicit et deponit that the said Evelin advised the fore-said Inhabitants and freemen and all the servants that they should take heed what they did, and that it would bee better liveing under the Governor of Maryland then under the Government of Virginia, and did instance in many particulars as is articulate And the said Evelin then said that the Governor of Virginia being lately come from England had brought absolute Authoritie from the King that the Ile of Kent should be under the Government of Maryland And that the said Evelin did at the place and time mentioned in the preecedent Article, command his said letter of Attorney from Clobery and Murhead should be then read unto which the deponent replied, Capt: Evelin, what needs that noe body doth interrupt or hinder you in the Marchants busines, you have done already and may doe what you please, none of us will meddle therewith And further deposeth not.

Ad 32 Dicit et deponit That the said Evelin did make letters of Attorney unto M^r Lager secretary of Maryland, John Walker and others and by the said letters of Attorney did assigne over unto them all the Plantations goods servants and estate of the said Clobery and Company and the said Walker hath sold unto this deponent and to other persons severall and divers goods, belonging to the said Joint stocke but how much the said M^r Lager and Walker have received by vertue of the said letters of Attorney this deponent knoweth not, and further deposeth not.

Ad 34. dicit et deponit, That the said Evelin did neglect to gett Corne by Trade, when the Plantation stood in greate need thereof, and that the servants in this deponent's hearing did offer the said Evelin to goe themselves and gett Corne if the said Evelin would lett them have a boate and trucke that he had lying by him, but Evelin denied it, and that the said Evelin for the most parte did imploy himselfe in perswading and urging the Inhabitants to render upp possession of the said Ile of Kent unto the Governor of Maryland and that the said Governor of Maryland told this deponent that he had not so soone come uppon the said Plantation and Ile of Kent without the said Evelin had much urged thereunto And that the said Governor of Maryland did come uppon the said Plantation and Ile of Kent with about 40 armed men in the night and (as was

generally reported) was ledd by the said Evelin, and that the said Evelin came with the said Governor att the same tyme and landed att the said Plantation, and that the said Governor of Maryland tooke possession thereof and tooke this deponent and Thomas Smith and carried them to Maryland where the said Thomas Smith was condempned And the said Governor of Maryland hath since the aforesaid tyme come uppon the said Plantation with aboute 50 armed men as this deponent beleiveth and hath wholly reduced the said Iland and the Inhabitants under the Government of Maryland and did hang the said Smith and one Edward Beckler and did confiscate all the estate of the said Clobery and Company and that the said Governor of Maryland hath disposed and carried away not only the goods and servants belonging to the said Jointstocke, but alsoe other Cattle, servants Tobacco, Bookes and other goods belonging to the particuler estate of the said Claiborne, which were then of a great valew And further deposeth not.

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Ad 35 dicit et deponit That he this deponent hath often heard and verely beleiveth, that the said Evelin did perswade the Governor of Maryland to goe to the Susquehanoes where the said Claiborne had planted upon an Iland called Palmers Iland scituate and lying (as this deponent hath heard M^r Hayes, Mariner, say) in the Degrees of forty one, and thirty Minites of Northerly latitude, whereupon as this deponent beleiveth, the said Governor of Maryland comeing to the Fort and houses there erected, did displant the same and killed divers hoggs there and carried away from thence all the men and Neate Cattle unto Maryland, with all the goods and household stufte there, belonging to the said Claiborne, and hath utterly ruined and laid void the said Plantation, whereby the said Claiborne is dampnified and hath lost (as this deponent beleiveth) the valew of £1000 att least, And further deposeth not.

Ad 36 dicit et deponit That by the said Evelins evill disposall of the goods and servants of the said Joint stocke, and by his ill carriage and neglect in those affaires, and by the reduceing of the said Plantations and Ile of Kent under the Government of Maryland, The said Plantation is dampnified as this deponent beleiveth att least £10,000 sterling. And that if the said Evelin had managed his busines as he should have done, the said Plantation and Trade would have yeilded farr greater profit to the said Jointstocke, And further deposeth not.

Ad 37 Dicit et deponit, That the said Evelin (to this deponent's owne knowledge) had an Invoice of all the goods, and servants, and of all the estate belonging to the said Jointstocke att the time of the departure of the said Claiborne for England, and that the said Evelin often shewed the said Invoice both in Maryland and in Virginia, and further deposeth not.

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Ad 38. Dicit et deponit, That he this deponent beleiveth that the servants which are mentioned in the articulate Accounts, which the said Claborne brought upon the said Iland, which were not sent by the said Clobery and Company did worke as well on the said Plantation belonging to the said Jointstocke, as on the said Claborne's Plantation att Craford, And that the servants belonging to the said Claborne did as much worke, for the benefitt of the said Jointstocke, as any of the servants belonging to the said Jointstocke did, for the benefitt of the said Plantation at Craford, And (this deponent beleiveth) that by the said Claibornes planting att Craford, the said Plantation belonging to the said Jointstocke was better defended against the Indians who before that, did committ many Outrages against the said Plantation, And further deposeth not.

Ad 42 Dicit et deponit That the goods of John Heriott deceased (to this deponent's owne knowledge) were by the Direction and order of the said Capt: Evelin, att the Ile of Kent apprized by indifferent men, att the rate as is articulate, and this deponent beleiveth were worth noe more, And this deponent knoweth not that the said Claiborne did speake to the prizers, that prized the said goods, to prize them att an under valew. And further deposeth not.

John Boteler.

Rich: Moryson
Obedience Robins
Will: Frith.

Juratus et examinatus: in presencia
mei, et per me Will: Baulke
notarium publicum.

Phillippus Taylor de Accomacke in Colonia de Virginia etatis 30 annor. aut eo circiter natus infra pochiam de Marden in Com. Hereford.

Testis in hac parte productus Jurat: et examinatus:

Ad 9. Articulum dicit et deponit That he being one of the freemen which went with the said Claiborne at the first to plant upon the said Plantation, the said Claiborne procured divers other freemen to goe upp with him by reason the servants which then came over with the said Claiborne were not of sufficient strength to raise the said Plantation and to manage the Traid or to defend themselves against the Indians whoe had lately cutt of a plantation nere to that place and slayne 30 or 40 dutchmen and attempted to doe the like to the said Claiborne and Companie, and that without the assistance and aid of the said Freemen and servantes the Plantation and Traid aforesaid could not have beene mannaged kept and defended, and that the said Freemen did not hinder the said Traid by buyeing of anie bevers or other trucke of the Indians

either for themselves or for anie others to their owne benefitt tending anie way to the hurt of the Joyntstocke aforesaid but by their much paines, dilligence and industrie did greatl[e] further the same and further deposeth not.

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Ad 10 dicit et deponit that manie of the servants sent over in the articulate shipp the Affrica died at their first comeing over as this deponent well remembreth being an eie witnes thereof and beleveth that the names of them soe dyeing were as is mentioned in the articulate Account, and that the rest of the servants liveing most of them were weeke men and no waies able to defend the Fort against the Indians and in regard of the death of theis servants as aforesaid and of the weaknes and disabilitie of those that lived, the said Claiborne was forced to hyer many servants for defence against the Indians and for to saile in these boates and for other occasions, which this deponent beleveth were necessarie for the Traid and plantation, the said Claiborne commonly takeing advice with the rest of his Companie in the supplyes which he procured for the said traid and plantation, and this deponent beleveth and for the most parte knoweth there were such waiges received and paid as are sett downe in the accompts which this deponent hath sene and perused and that the said waiges were verie reasonable and that the servants well deserved such waiges by their labours and industrie, and that they could have gained more in Virginia with lesse paynes takeing, and this deponent and other traiders and planters that then hyred men paid as much or greater waiges, and that yt had (as this deponent beleveth) bene ympossible for the said Claiborne with lesse then 30 or 40. men at the least to have performed the said traid and plantation without the Freemen's assistance as aforesaid, And that it was most nedefull in the Monthes of March Aprill May and June for the traideing aforesaid to kepe at the least 3 boates traideing and to be well manned at the least with 5: 6: or 7: men in everie of them with gonnes, armes, ammunition and other necessaries accordingly which the said Claiborne for the most parte did everie yeare as by the Accompts aforesaid appeareth, and further deposeth not.

Ad 11. Dicit et deponit That the Accompts articulate this deponent hath read, over with deliberation considered seriously upon yt in everie particular and beleveth that the same in the common estimation of men experienced in such affaires are true and just accompts and were soe paid and laied out and expended particulerly and for the use and benefitt of the said Joyntstocke, and knoweth not anie thing therein written or conteyned but that which to this deponent's best Judgement were necessarie to be paid layed out and expended and for the severall uses in the said accompts respectively expressed and

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could not as he verieley beleiveth in the experience of men understanding in theis affaires be bought provided and performed for or with lesse or so little Chardge then the said Claiborne did, and that yf anie stranger had come thither unexperienced in theis affaires and had bene to pay for such labors as this deponent and others performed for the said Claiborne and are mentioned in the said accompts the said Plantation and traid could not have bene upheld and mainteyned for much more then is expressed in the said accompts All which the premisses this deponent averreth beleiveth he being all the tyme acquainted with those affaires and lived and was ymployed most of the tyme with the said Claiborne and was privie to the proceedings thereof And further deposeth that concerning the Trucking stufte and the procede thereof mentioned in the twoe last pages of the said Accompts, he this deponent remembreth not justly being so long past the particuler quantities traided for yearly by the said Claiborne, Butt to his this deponent's best remembrance beleiveth, that the first yeare Beaver 1632 bought after the fire which there happened, for tobacco and burnt trucke with other Trucke procured by the said Claiborne from Virginia and the dutch plantation was not above to this deponent's best remembrance 350 skinnies or nere thereabouts, And the second yeare beaver 1633 not above 900 or 1000 skinnies, At the buyeing of manie whereof this deponent was present, and the articulate dutch Cloth being but 19 pecs to the best of this deponent's remembrance, this deponent conceiveth that the same with the other Trucke which then the said Claiborne had could not amount unto above the nomber aforesaid of 900. or 1000. Beavers, and for all the yeares followeing this deponent was privie, and knoweth yt to be true that the traid did growe dearer and dearer, and the said Claiborne to this deponents knowledge did give greater raits and presents then he had done formerly to induce the Indians to sell their Beaver unto him, and this deponent knoweth yt to be true that the ordinarie price of beaver in the yeare aforesaid in Virginia among the English hath bene formerly 7^s 8^s or 9^s a pound, and at this tyme about the same raits, And that the ymproper Trucke mentioned in the said accompts to the value of above £300. in dutch hoes, kettles, coats, blanckitts scrapers and such like would have yelld much more in dutch Cloth. And further deposeth that severall sommes and disbursements laid out by this deponent and the said Claborne are not mentioned in the articulate second schedule which this deponent intendeth to demand and recover of the said Claiborne.

Ad 12. dicit et deponit, That the said Claiborne did carrie and procure to be carried by the boates of this deponent and others into the Ile of Kent about 28. or 30. neate Cattell as is

articulate, most of which Cattell came from Kequotan in Virginia from the Custodie of Capt: Thomas Purifie, and were commonly said to be the stocke and Cattell of Sir Thomas Gaytes K^t deceased. The milke of which Cattell in all the tyme of the said Claiborne's abroad there was a great nourishment and benefitt to the servants and people upon the said traid and Plantation both in sicknes and in health, And that the milke of everie Cowe of the said Cattell was all that tyme worth about 100^{lbs} of Tobacco yearly, and that the Freemen would have given as much or more, And that the like bargaines of hyring lending and restoring of Cattle with their increase as is articulate have bene and are nowe usuall in Virginia, and that the grasse that is not fedd by Cattle fadeth awaie and is of no use or value, and further deposeth not.

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Ad 13. Dicit et deponit That the said Claiborne did for the most parte of the tyme of his being and traiding upon the said Plantation want trucking stuffe especially in thee years 1632: 1633: 1634: in which years this deponent beleveth the said Claiborne might have gotten and traided for at least twoe thousand Beavers yearlie more then he did yf he had bene supplied with Dutch Cloth, good axes and other trucke, out of England, and that with little lesse chardge of boates or men then were before provided for that traid aforesaid, And this deponent beleveth the want of Trucke as is articulate was a great damage to the Joyntstocke, And further deposeth not.

Ad 14. Dicit et deponit, That there was great murmering among the servaunts and people for want of ammunition, servants apparrell and other necessities as is articulate, and that the said Plantation was thereby much endangered being as this deponent beleeveth seated about 50 leagues from Virginia, That thereby the said Claiborne was forced often to goe and send to Virginia and buy commodities after the rate of 50 per cent or twoe for one, because the buyeing thereof was deferred till the last shipp in expectation to heare from the said Clobberie and Companie, By which meanes this deponent beleveth that the yearly apparrell of everie servant there did cost the said Claiborne five pounds or five pounds tenne shillings, And this deponent haveing kept servants upon the said Plantation was putt to a greater chardge for theire maintenance in Clothing and apparaile, And further deposeth not.

Ad 15 Dicit et deponit That the said Claiborne was by all men there taken notice of to use extraordenarie care and industrie to make the said Plantation thrive and the trade to become beneficiall, And this deponent never heard of anie other Adventure in the said parte that thrived soe well, and beleveth that yt would have bene verie beneficiall to the Joyntstocke in their Adventures yf sufficient

P. R. O. Colonial Papers. supplies had bene sent out of England, and that notwithstanding the want of such supplies the meanes which the said Claiborne had procured would have upheld and made the same thrive and become beneficiall to the Adventurers if the articulate Marielanders had not interrupted the said Claibornes proceedings and traid by reason the said Claiborne had not a patent under the Broad seale of England, And this deponent verily beleveth that yf such a patent had bene sent to the said Claiborne by his partners, the said Adventure in the Joynt stocke would have bene exceedingly beneficiall and profitable, and that for want thereof the Marielanders did much hinder the said Claiborne while he stayed upon the said Iland, and did more especially about Aprill and May in the yeare 1635 especially interrupt the said Claiborne's affaires, And did take the said Claibornes Boates and Pynnaces, wherof one Pynnace was this deponents then ymployed by the said Claiborne for the use of the said Joyntstocke into Patomecke River where the said Marielanders did severall tymes vyolently with armed men gonnies and Indyans assault this deponent in his said Pynnace and boate and tooke this deponent and the said Pynnace with all the goods therein yet this deponent afterwards escaped with his said Pynnace, And this deponent knoweth that by reason of the said Marielanders takeing the said Pynnace and Boates of the said Claiborne and hindering of them in their traid, The Plantation and people upon the said Ile of Kent were putt to a great strait and were starved in the Months of May and June in the said yeare 1635: About the latter end of which said month of June this deponent haveing escaped by great Chaunce as aforesaid did bring a supply of Corne to the said Plantation, without which Corne, this deponent cannot ymagine, how the people there should have lived but must have bene nere starved and fedd upon unwholsome food.

Ad 16. Dicit et deponit That he hath had long experience in the traid of Beaver in those parts and hath a great part knowen the traiding of the articulate Captaine Fleet and M^r Hazmer and other traideres and knoweth that they were for the most parte still indebted to divers semen and that because of the great Chardgs and expences which are necessarily laid out in mens waiges boats victualls trucke and other occasions And this deponent hath often heard that the Adventurers for the Trade of Beaver to Charles River and Marieland are no gayners but much out of purse, and beleveth that this Plantation and Traid would have bene profitable if a Pattent and Supplyes had bene procured and sent out of England as is articulate And further deposeth not.

Ad 17. Dicit et deponit that the manner and daunger of

English mens traiding with the Indians is truly sett downe in this Articulate and this deponent in all his traiding with the Indyans for himselfe or others, never did or should kepe, neither ever did know anie other men kepe anie particular accompt of all things sold to the Indyans, But onely at the end of the voiage to see what was remaineing, and what was bought.

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Ad 18. Dicit et deponit, That the articulate supply 1632 was not sufficient or enough for the said traid or Plantation and that the men and other goods articulate were exceedingly wanting and necessarily supplied by the said Clayborne, Likewise this deponent knoweth that notwithstanding the supply which came out of England about December 1634. manie things were wanting to the said Plantation and traid And supplied by the said Claiborne as is mentioned in the aforesaid second scedule, and that the Kettles, dutch hoes, Coats, Blanckitts Scrapers and as is articulate, were not good trucke, and would have yeilded farr better profit in Dutch Cloth and axes.

Phillip Taylor

Rich: Moryson.

Obedience Robins

Will: Frith.

Juratus et examinatus in presencia
mei, et per me Will: Baulke, notarii
publicum

Capt: Rich: Popeley de Charles River in Virginia gen
usus etatis 39 Annor. aut eo circitor natus infra Paroh de
Wooly in Com: Ebor. Testis in hac parte productus juratus et
examinatus

Ad 9. Articulum Allegation Dicit et deponit, That he this deponent for the reasons articulate the said Clayborne did procure divers freemen to plant upon the said Plantation and did hire divers servants And this deponent believeth that without the helpe and labour of both the said freemen and servants the said Trade and Plantation could not possibly have ben upheld and mayntayned and that as is articulate the said Freemen did not buy any Beaver but did helpe to trade and did doe other things for the love of the said Clayborne that they would not otherwise have donne without good satisfaction for their paynes.

Ad 10. Dicit et deponit That he well remembreth that for the two first yeares in which this deponent stayed on the said Iland all the servants did soe dey and were soe hired as is Articulate and that the mens wayges Employments and other things concerning the said servants and concerning this deponent and others mentioned in the articulate Accompts are true

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and that such servants as remayned of the Joynt stocke were weake men as commonly all new men are the first yeare And their wayges were lesse then others would have given in Virginia; And that without the Freemens assistance 30. or 40. men could not have managed and kept the said Trade and Plantation and believeth that such boates and men were usually every yeare employed by the said Clayborne as is Articulate.

Ad 11. Dicit et deponit That he this deponent hath considered of the particulars in all the Accompts Articulate, and for the space of the two first yeares knoweth most of the particulars to be true out of his owne knowledge, and out of his experience in such affaires saith that he believeth the rest were soe layed out by the said Clayborne as is herein expressed and were necessary for the said Trade and Plantation And that such particulars as concerne this deponent and his servants are true as is herein set downe, And that any Stranger could not have accomplished that which the said Clayborne did with farr more expences And believeth that any indifferent men as have traded or ben employed to rayse plantations in the partes of the World will approve of the said Accompts and generally believeth concerning all the said Accompts and the severall sommes therein mentioned for trucking stuffe, servants apparrell, Boates, housekeepinge servants wayges Allowance to the Ministers, for gunns, ammunition, surgery, expences in jurnies, buying of hoggs, workinge tooles and other necessities therein expressed were soe layed out by the said Clayborne in the said Plantation. And this deponent knoweth and hath herd the Traders say, That the Trade for Beaver and furs with the Indians hath proved dearer and dearer thes 4. or 5. yeares past But believeth that yf the said Capt: Clayborne had had trucke soone after the fire, yt had ben the onely tyme to gett monny because the Indians exceedingly seemed to love the said Clayborne and there were then few other Traders in those parts.

Ad 12. Dicit et deponit That the said Clayborne did carry uppon the said Iland divers neate Cattle as is articulate which were sayd to be the said Claybornes Cattle before his arrivall in the Afryca, and that the milke of the said Cattle was a great benefit and nurrishment to the servants there boath in sicknes and in health, And believeth that the Freeman would have hired the said Cattle at the rates articulate and restored them and their Increase as is articulate and that the hire of Cattle for that rate is usuall in Virginia and that the grasse and food was of noe value unless the said Cattle had fedd yt and further deposeth not.

Ad 14. Dicit et deponit He knoweth That during the said

deponents aboard the want and danger of the Indians is true, as is articulate in respect of Gunns and arms and that the people did therefore still mourneur against the said Claybourne And that the said Plantation beinge about some 50 leagues from Virginia it was a great hinderance and charge to fetch goods from thence at two or three for one or 50 per cent at least more then they cost in England as is articulate And this deponent believeth that every of those servants apparrell cost the said Clayborne yearly at least £5. 10^s and that this deponent did not keep his servants in Virginia in clothinge for soe little, but boath before that tyme and since hath layd out six pounds, eight pounds and sum tymes £10. for one yeares Apparrellinge of a servant.

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Ad 25 Dicit et deponit That the said Evelin in the month of May 1637 came to Kecoughtan and told this deponent that the said Clayborne was then kum a way in Gaynyes Pennace and there shewed a letter of Atturney from M^r Clobery and M^r Moorehead and said it was to disposses the said Clayborne and to take possession of every thinge that was theirs at the Ile of Kent or in Virginia, and that Captain Hooke gave the said Evelin possession of the pennaces and boates which Captaine Clayborne formerly possessed And the said Hooke beinge one of the Counsell and Captaine of the Fort commanded this deponent by a warrant under his hand to carry the great penace called the Elizabeth and all her loading to James City which this deponent did accordingly and further deposeth not.

The mark of
Capt: Rich: R Popeley.

Francis Wiat

Sam: Mathewes

Will: Frith.

Juratus in presencia mei Will:
Baulke notarii publici et exam:
per me dictum Will: Baulke.

Johannes Harvey de James City in Virginia Mi:
Testis in hac parte productus Juratus et Examinat.

Ad 14. Articulum Allegationis Dicit et deponit, That he this deponent haveing kept severall servants in Virginia, and by his this deponent's knowledge of other men's charges in keeping of their servants in Virginia, sayth that the articulate rate of £5. 10^s per head is lesse then a man can be Clothed for in Virginia yearely.

Ad 25 Dicit et deponit That in the month of June articulate, the articulate Evelin did produce the articulate letter of Atturney from the said Clobery and Murhead, both att the same time att James City and before att Kecaughtan, and by vertue

P. R. O. thereof tooke possession of severall Pinnaces, boates, and other
Colonial things belonging to the said Claiborne in partnershipp with
Papers. the said Clobery and Company. And further deposeth not.

John Harvey

Francis Wiat
Sam: Mathews
Will: Frith

Juratus in presenciam mei Will:
Baulke notarii publici et exam:
per me dictum Will: Baulke.

Thomas Woodhouse de Smiths Fort in Virginia Millwright
etatis 32 Annor. aut eo circiter natus infra, pochiam de Holden
in Com. Ebor—

Testis in hac parte productus Jurat et examinatur.

Ad 11. Articulum Dicit et deponit That for the wages paid
by the articulate Claiborne to this deponent being Thirty nine
pounds Three shillings sterling he this deponent acknowl-
edgeth to have received of him the said Claiborne, and beleiveth
that the severall sommes mentioned, to be paid to Anthony
Linney John Bennett Richard Hobin William Ellins and
Richard Hill are true and soe paid to them by the said Clai-
borne, because he this deponent hath heard them say they
were all contented by the said Claborne, And further deposeth
not.

Ad 19. Dicit et deponit That he this deponent was one of the
Millwrights sent over as is articulate, and sayth that there were
noe Millstones then sent, but that there came soone after a
small paire of Welsh stones which were unserviceable, and not
used att all, Alsoe this deponent saith that the said Clobery and
Murhead in England gave unto the said Millwrights, many
faire promises, and that they should gett a great deale besides
theire wages, for worke on the by, as much as theire wages
came to, But saith that he knoweth that because the said
Clobery and Murhead did not pay the Attorneys of the said
Millwrights in England, theire wages according to condition,
viz^t Anthony Linney John Bennett and Richard Hobin, there-
upon when newes came out of England thereof, the said
Linney being the principall workman said, his wife and children
were starved and dead by the said Clobery and Murheads
meanes and therefore he the said Linney and most or all the
said Millwrights did much hinder theire worke, and further
deposeth not.

The marke of
Thomas M Woodhouse

Francis Wiat.
Sam: Mathews.
Will: Frith.

Juratus in presenciam mei
Will: Baulke notarii publici et
exam: per me dictum Will: Baulke.

Thomas Adam de Kent in provincia de Maryland gent: etatis 29. annor. aut eo circiter natus infra pochiam de Bodenham in Comitatu Herefordiæ Testis in hac parte productus Jurat: et examinatur: P. R. O.
Colonial
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Ad 11. Articulum Allegationis Dicit et deponit That concerning the accompts articulate this deponent hath seene and perused them (and saith) for that parte of them which hath beene since the said deponents arivall and imployments upon the said Iland and sithence the said deponent keeping the books the said deponent to the best of his remembrance beleiveth them to be true vid^t in Ann: 1636. and 1637. and for the accompts kept before this said deponent's arivall att the said Iland this deponent cannot speake directly but conceiveth them to be just and true, and that of his owne knowledge in many particulers being privie to many payments and severall charges and disbursements as servants wages, cloathes, expences in housekeeping, expences in Boates, and appurtenances thereunto belonging and most of the particulers in the aforesaid accompt expressed, all which were sett downe (as this deponent verely beleeveth) in the common estimation of men) at very easy and reasonable rates, and soe reasonable as cannot be soe procured nowe by reason the said Clayborne was forct to supply himselfe from Virginia of all such commodities as hee wanted, and that at dearer rates in regard the said Clayborne deferred to furnish himselfe with such necessaryes as were necessarily wanting for the furnishing of the said Plantation till the last shipping in expectation of supplies from the Merchants, and this deponent of his owne knowledge saith that a man's cloathing yearely stands one in £5. 10^s and sometymes more and this deponent would yearely allow soe much per head in Virginia but cannot soe be furnished and further this deponent saith that although William Cox the Carpenter's yeares labour is rated but at 20. in regard of the love and affection the said Carpenter and others did beare and wish to the said Clayborne, the said Carpenter's yearely worke was worth as this deponent hath heard the said Cox say divers tymes £100 sterling at the leaste And whereas this deponent kept the bookes two yeares or thereabouts for the said Clayborne upon the Ile aforesaid, out of a respective love and affection to the said Clayborne for the valew of eight pounds or thereabouts otherwise this deponent saith £40 sterling annually should not have given him satisfaction and this deponent hath had the like of others, rather out of an affection then benefitt to themselves the said Clayborne's carying himselfe so affable and virtuous towards them, and this deponent further deposeth not.

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Ad 20. Articulum Allegationis Dicit et deponit That of his owne knowledge the said George Eveline landed at the said Ile first about the month of December 1636 and was very earnest in speaking severall tymes to this deponent and divers others upon the said Iland against the pretended right of the Marylanders to the said Plantation and trade, and did as this deponent hath heard by divers speake ill language of the Governor of Maryland and this deponent haveing some discourse with the said Eveline concerning the streingth of the Patent for the said Ile the said Eveline replied that the said Commission from the king and the king's letters in confirmation thereof were very firme and strong against the Maryland Patent or words to that purpose.

Ad 22. articulum Allegationis Dicit et deponit that the said Clayborne in or about the 18th of May 1637. being in preparation to goe for England (did there in the presence and hearing of divers Freemen and servants assembled together upon the said Iland) make offer unto the said Eveline uppon condition that the said Eveline would seale unto the said Clayborne for the use of the said Clobery and Company a bond of three thousand pounds sterling not to alienate or sell the said Plantation or Iland or any other parte thereof unto the Marylanders or any others, and not remove or carry any of the servants from the said Iland. That then the said Clayborne would deliver unto the said Eveline all the goods, servants or whatsoever belonged to the said Clobery and Company in the said Joynt stocke, according to an Inventory thereof made and prepared by the said Clayborne, and the said Eveline, of which each had a Coppy, But the said Eveline then and there denied and refused (in the hearing of this deponent) to give any such bond, whereupon the said Clayborne replied that for his owne parte, and as farr as any way it concerned him, he would not assigne the said Plantation or any of the servants or goods, unto the said Eveline, whereupon the said Eveline replied, (in the hearing of the said deponent and divers others upon the said Ile) that he did not care to have any such assignment from the said Clayborne, and that he would recover them by Lawe, and that immediately after the said Clayborne departed for England, and the said Eveline while the said Clayborne was there, freely disposed and ordered the said Plantation, with the goods, and servants as he thought good, and did appoynt the said servants their Labours in severall companyes whoe followed and obeyed the said Evelines directions as this deponent very well knoweth in regard this deponent was an Inhabitant in the same house at that tyme.

Ad 23. Articulum Allegationis Dicit et deponit That the said Eveline on the 21. of the aforesaid month of May or there-

abouts 1637. being aboard the said Pinnace called the Elizabeth in the Bay of Virginia, and being demanded by the said Clayborne, that both he the said Clayborne and the said Eveline, might assigne, underwrite and deliver to each other the Inventory of the estate of the said Clobery and Company mentioned in the former Article, (but the said Eveline) then in the presence and hearing of this deponent and divers others aboard the said Pinnace, utterly denied to doe the same or to give any bond as aforesaid for the true conferring of the said estate, servants and Plantation according to a promise in the end of a letter of Attorney made by the said Clobery and Morehead to the said Eveline, which he the said Eveline then first shewed to the said Clayborne in the presence and hearing of this deponent and divers others at the same tyme, all which with severall other particulars then done and acted were then testified in a wrighting under the hands of this deponent: John Butler, Robert Morrison and others and further this deponent saith not.

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Tho: Adams

Rich: Moryson.
Will: Frith.

Jurat: in presencia mei Will: Baulke
notarii publici et examinat: per me
dictum Will: Baulke.

Johannes Fullwood aliis Sande de Insul: Kant in provincia de Maryland etatis 33. annor. aut eo circiter natus infra pochiam de Hope in Com̄ Herefordiæ

Testis in hac parte productus Jurat et examinat:

- Ad 35. Articulum Dicit et deponit That he this deponent haveing long lived with a nation of Indians called the Susquehannoes as an Interpreter for the articulate Capt: Claiborne, doth remember, that the people and the king of the aforesaid nation did often invite the said Claiborne to come which people did plant upon the articulate Iland called Palmers Iland, And that at leingth (to this deponents best remembrance) in the month of Aprill or May Anno 1637. the said king of the Susquehannoes called by the name of did come with a great number of his Councillors and great Men and with all their consents did give to the said Claiborne the said Palmers Iland with a greate deale of Land more of each side, the river and the Bay as is specified in a wrighting then made and truly interpreted by this deponent virbatim to the said King thereupon by him signed and in token and confirmation of his said guift, the said king did cutt some trees upon the said Iland, and did cause his people to cleare some ground for the said Claiborne to plant his corne upon that yeare, After which the said Claiborne did (by his servants) build houses and make a

P. R. O. Colonial Papers. Fort for their better security upon the said Iland, and further saith that about the beginning of March following Anno 1637. the Governor of Maryland sent thither M^r William Branthe, Robert Vaughan, and Reynold Fleete to take possession of the said Palmers Iland, this said Iland scituate and lying as this deponent hath heard by M^r John Hayes Marriner in the degrees of 41. and 30. minutes or thereabouts of notherly latitude And about the last of June next following the said Governor came to the said Iland and carried away all the servants, neate Cattle and Hoggs, with all truckingstufte, as Axes, Hoes, Knives, Cloth, peake and roanoake and all the householdstufte, utensells whereby the said Iland was utterly displanted but what the said Claiborne is thereby indamaged (this deponent cannot certaynely tell but beleeveth that he hath lost thereby at least £1000 specially in regard of a greate trade of beaver and other furr which the said Claiborne might have had with the mountayn Indians which live upon the lakes of the river of Canada, this deponent further saith that he being at the said Iland he received a letter from the said Governor of Maryland bearing date the 19. of March 1637. wherein he intimated unto this deponent That all the Land, servants, and Cattle and other goods, belonging to Capt: Claiborne, and heretofore in M^r Thomas Smith's charge there weare then confiscated to the Lord of that Province, wherefore the said Governor did appoynt Serjeant Robert Vaughan with authority to take charge of them and to dispose and imploy the servants there as he should thinke most advantagious for the profit of the Lord of that Province and further this deponent saith not.

John Fullwood

Rich: Moryson

Will: Frith.

Juratus in presencia mei Will:
Baulke notarii publici et exam:
per me dictum Will: Baulke.

Georgius Scouell de Virginia Mercator etatis 36 Annor. aut eo circiter natus infra Insul: de Purbach in Com^o Dorset gent
Testis in hac parte productus Jurat: et examinat:

Ad 3. Articulum Dicit et deponit That he this deponent was with the articulate Claborne when the articulate Thompson came down from London, for the dispatch of the articulate shipp, and this deponent well remembreth, he this deponent did then helpe make upp and write, the Accounts belonging to the articulate Jointstocke, and that the said Thompson did then knowe of certaine parcells of goods, which the said Claiborne then had in the said shipp, belonging to his owne particuler estate, and that this deponent heard the said Thompson

and Claiborne talke of them, and the said Thompson then found noe dislike therewith nor required any Account from the said Claiborne to be given for the said goods, but to this deponent's best remembrance was well content, he the said Claiborne should dispose of the said goods to the proper use of him the said Claborne, and further deposeth not.

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Ad 9. Articulum Dicit et deponit That to this deponents knowledge (he being one of the Freemen, that went upp with the said Claiborne to the articulate Iland) this Article is true and soe had and done as is articulate.

Ad 10. Dicit et deponit That the six servants mentioned in the Account articulate which this deponent hath seene and perused, died some comeing over in the articulate shipp, and some soone after theire arrivall on the articulate Iland, and the rest of the servants then sent over were, (as commonly all new hands are) very sicke and weake and hardly able to defend themselves much lesse to defend the Fort against the Indians, and that therefore the said Claiborne was necessarily constreyned to hire men to saile the boates, defend the Fort, and other occasions, and this deponent beleiveth that such wages were paid them by the said Claiborne, as are sett downe in the Account which seems to this deponent very reasonable, and that the said men which the said Claiborne then hired could have had more of other Planters, that then hired men, and that in the common estimation of men, it had beene a thing impossible for the said Claiborne with lesse then 50. or 40. men att the least to have managed the said Trade and Plantation, without the articulate Freemens assistance, which out of respective love to the said Claiborne went upp to the articulate Iland and planted there, and that it was and yett is necessary for the said Trade in the months of March, Aprill May and June, to keepe and imploy att least 3. boates abroad, and them to be well manned with 8. 7. or 6. men att the lest in each of them with gunns Armes Ammunition and other necessaries, which the said Claiborne allwaies did, during this said deponents aboad on the said Iland, which was the two first yeares and further deposeth not.

Ad 11. Dicit et deponit, That the articulate Account which this deponent hath perused over and considered, he verely beleiveth itt, to be a true and just Account paid, laid out, and expended by the said Claiborne for the use articulate, soe farr as they any way concerned him this deponent, and such servants as are sett downe in the said Account, during this deponents obaad there on the said Iland, were soe imployed as is articulate, and that the said Claborne did provide and manage his busines and affaires, with as little charge as any man could have done, And this deponent knoweth, that if the said Cla-

P. R. O. borne had hired all such men, which went of theire owne
 Colonial accord and out of love to the said Claborne, upp to the said
 Papers. Iland, and had paid for their labours, according to theire
 deserveings, itt would have cost him att least £1000. sterling
 more then itt did, And this deponent being one of the said
 Clabornes freinds, and went upp with him as aforesaid, was a
 continuall trader with the Indians, for and with the said Clai-
 borne for the two first yeares, and if this deponent had thought
 the proffit of his paines and Labour in the Imploiment afore-
 said, should not have redounded to the said Clabornes proper
 use, he would not have adventured, and soe often indangered
 his life amongst the Indians under sixty pounds sterling
 annually and further deposeth not.

George Scouell

1640.

Rich: Moryson

Will: Frith.

Jurat: in presencia mei Will: Baulke
 notarii publici et examinat. per me
 dictum Will: Baulke.

William Jeanes de Kecoughtan in Virginia ætatis 26 Annor.
 aut eo circiter natus infra Ruthen in comitatus Denbigh testis
 in hac parte productus Juratus et examinatus

Ad 35 Articulate dicit et deponit That in the sommer in
 Anno 1637. he this deponent being a servant unto Capt:
 Will: Clayborne was appointed by him the said Clayborne
 together with other men to plant uppon an Iland in
 the bottome of the bay of Chesepyack called Palmers Iland in
 the Territorie of the Susquehanoughs which Island with other
 lands adjoining the King of the Susquehanoughs had given
 to the said Clayborne And further sayth that the articulate
 Governor of Maryland did about the beginninge of March
 followinge send M^r Branthoite, Sargent Vaughan, Renauld
 Fleet and Edward Fleet, to take possession of the said Palmers
 Island for the Lord Baltimore's use who came thether and did
 accordingly take possession thereof, and of all the goods and
 Cattle belonging to the said Clayborne thereon; Further this
 deponent saith that in June followinge 1638. the said Governor
 of Maryland came with a Pinnace to the said Palmers Iland
 and wholly displanted the said Island and carried away all the
 servants, neate Cattle and hoggs with all the Truckeingestuffe
 householdstuffe and other goods that were upon the said
 Island Whereby this deponent beleiveth the said Clayborne is
 much dampnified but cannot certeynely set downe how much
 yet this deponent thinks the said Clayborne lost thereby above
 one Thousand pounds, because of his great charge in buildinge
 and clearinge of the ground making the Forte, Wages, Clothing

and labour of servants, transporting of Tobacco, of Cattle, many of which dyed there and yet the said Governor carried away to this deponents best remembrance eight neat Cattle, and kyled drove away and carried away sixtie hoggs, and alsoe this deponent hath heard divers men say and the Governor of Maryland confesse that the said Palmers Island is out of the Lymetts of Maryland but that itt was given the Lord Baltimore by the Kinge.

P. R. O.
Colonial
Papers.

The marke of
William + Jones

Rich: Moryson.

Jurat: in presencia mei Will: Baulke notarii
publici et examinat per me dictum Will: Baulke.

Luce Purify de Kecoughtan in Virginia
ætatis 42. Annor. aut eo circiter natus infra Ranson in comitatis
Leicester

Testis in hac parte producta Jurata et examinata.

Ad 12. Dicit et deponit That she remembreth that in Anno 1629. Capt: William Clayborne being then goeing for England, did deliver into the keepinge of her then husband Capt: Thomas Purifie a stocke of neate Cattle about the number of 12. belonging to Sir Thomas Gates deceased which Cattle with all their encrease were about August in Anno 1631. by the said Capt: Claybornes order carried upp to the Ile of Kent and for the rate of Milke, this deponent remembreth that itt was then sould for 12^d per gallon in mony And further saith that the food for such Cattle is little or nothinge worth in Virginia and that yf yt be not eaten rotteth and fadeth away or is burnt yearely And further deposeth not.

The marke of
M^{rs} Luce + Purifie

Sam: Mathews
Tho. Willoughby
Chr. Wormely

Jurat: in presencia mei Will:
Baulke notarii publici et exam:
per me dictum Will: Baulke.

Anthoni Linny de Kecoughtan in Virginia ætatis 46. Annor. aut eo circiter natus infra Disworth in Comitatu Lēster Testis in hac parte productus juratus et examinatus.

Ad 11. Dicit et deponit That as concerning the articulate Account this deponent haveing perused the same beleiveth that the disbursements therein set downe by the said Clayborne duringe the time of this deponents aboad upon the said Island as farr as they any way concerne this deponent or any of the other Millwrights, Carpenters Sawiers or any of the servants

P. R. O.
Colonial
Papers.

which came in with this deponent in the Ship James, 1634 and alsoe as farr as concerne the said servants expences and charges at Kecoughtan or their transportation to the Isle of Kent and as farr as concerns the setting up of the Mill at the said Island and the Mill at Kecoughtan aforesaid, as alsoe for the wages mentioned therein to be paid by the said Clayborne to this deponent and the rest of the Workmen This deponent beleiveth the said Account to be true, although now the said Clayborne hath endeavoured and doth seeke by suite and Lawe to recover the wages soe paid as aforesaid to this deponent and the rest of the Workmen pretendinge the said Clobery and Company have refused to allowe their parts of the said wages unto him and further deposeth not.

Ad 19. Dicit et deponit That at this deponents first cominge and afterwards he this deponent did divers tymes here the said Claiborne say that it was not his advice his partners should send over any Millwrights and that he the said Clayborne did not like of any such projects he the said Clayborne haveinge formerly knowne Merchants that have undertaken the like projects and were defective in supplyinge the same, further this deponent saith that all the Millstones the said Clobery and Company sent over upon this Adventure were not sufficient stones nor servisable and this deponent saith that the said Clobery and Company have not performed the covenantion their parts with this deponent and the other Carpenters and Millwrights, by reason whereof this deponent and Company were forced to neglect their busines in providinge for their wyves being ready to starve for want of necessaries, alsoe this deponent saith that the said Clobery and Company promised him this deponent to furnish and send him in all such things as this deponent should write for and this deponent did write divers tymes from tyme to tyme unto the said Clobery as well for divers necessaries which were wantinge about their trade and callinge which were not sent, the want of which was a great hindrance to their works, as alsoe for divers necessaries for the releife of this deponent, his Wyfe and Company but this deponent never herd one word of Answere from the said Clobery and company nor did this deponent receive any of the necessaries he wrote for, and this deponent saith that duringe the articulate two yeares the Plantation and Trade was unsupplied by the said Clobery and Company and further deposeth not.

Ad 20. Dicit et deponit That the said Evelin landed upon the articulate Island about the moneth of November 1636. and then this deponent did heare the said Evelin speake against the pretended right of the Marilanders and did allowe and say that the commission the said Clayborne had from his Majestie and his Majestie's Royall letters for confirmation thereof were sufficient strength to withstand the Mariland Pattente.

Ad 22. Dicit et deponit That about the 18th of May 1637 the said Clayborne being ready to goe for England did (in this deponents hearinge and in the presence of divers of the Freemen and servants there assembled upon the articulate Island make offer unto the said Evelin, to deliver unto him the said Evelin, all the goods, servants and whatsoever belonged to the said Clobery and Company in the said Joyntstocke according to an Inventory prepared by the said Clayborne and the said Evelin of which each had a copy according to the said Clobery his directions, upon consideration the said Evelin would give the said Clayborne for the use of the said Clobery and Company a bond of £3000. sterlinge not to allienate or sell the said Plantation or Iland or any part thereof to the Marylanders or any other, and not to remove or carry away any of the servants from the said Island; But the said Evelin did deny and refuse to give the said Clayborne any such bond, whereupon the said Clayborne said for his part and for as much as concerned him the said Clayborne any ways he would not assigne the said Plantation or any of the servants or goods unto the said Evelin, Then the said Evelin replied that he did not care to have any such Assignment from the said Clayborne, And further this deponent sayth that the said Evelin then said that he the said Evelin would recover the Plantation and servants and all the goods aforesaid by Lawe and this deponent saith that the said Clayborne the next day departed for England That the said Evelin did (while the said Clayborne was there and in his absence after his departure) freely dispose and order the said Plantation, servants and goods as he thought goode, and further deposeth not.

P. R. O.
Colonia
Papers.

Ad 23. Dicit et deponit That the contents thereof are true to this deponent's owne knowledge.

Ad 36. Dicit et deponit That he this deponent doth verylie beleive that through the said Evelins bad carrage and disposall of the said Marchants estates and through the said Evelins neglect and carelesnesse in following the affaires of the said Jointstock is dampnified at the least £8000. as he beleiveth in regard all was lost and brought to ruine.

Ad 38. Dicit et deponit That as farr as this deponent knoweth there were noe more but six servants remayninge alive in Anno 163 which belonged to the said Clobery and Company as is mentioned in the Accounts articulate for that this deponent did imploy them, and this deponent knoweth the said Clayborne had procured and brought up from Virginia a leven servants more as is mentioned in the Accounts articulate And this deponent saith that in 1634 as is articulate the said Clayborne received 19 servants and noe more from the said Clobery and Company of whome this deponent was one

P. R. O. Colonial Papers. and this deponent saith that for so many of the XI. servants as could welbe spared from the trade the said Clayborne did Joyne in copartnorship with one Alaxander Mountney and John Smyth and their servants which were freemen and did settle a Plantation called Craford and cleard ground and built houses and as farr as this deponent could understand he verily beleiveth that the said Claybornes owne particuler servants soe planted at Craford aforesaid, did more worke and labour for the use and benefitt of the said trade and Plantation then any of the servants of the Joyntstocke did at that tyme upon the house and ground at Craford in lieu thereof and further deposeth not.

Ricardus Browne de Kecoughtan in Virginia ætatis 25 annor. aut eo circiter natus infra
in comitatu. testis in hac parte productus juratus et examinatus.

Ad 34. Dicit et deponit That this deponent living at Maryland at the tyme when the articulate Capt: George Evelin was there and saith that the said Evelin did persuade the articulate Governor of Maryland this deponent and many more to goe to take the Isle of Kent and beleiveth that the said Evelin was the cause that the said Governor of Maryland did goe to take the said Isle, and that this deponent being unwilling to goe did aleidg that he this deponent should loose by goeing 100^{lbs} of Tobacco per weeke upon which the said Evelin replied that this deponents pillaidg their would be worth so much but however, yf he the said Evelin might have the said pellaidg he the said Evelin would give this deponent for yt 100^{lbs} Tobacco per week whereupon wittnes was taken thereof, After the voyage was ended he this deponent did receive of the said Evelin 100^{lbs} of Tobacco and further this deponent saith not, savinge that divers of the men that went the voyage beinge unwilling to goe, the said Evelin persuaded and encouraged them and warranted them that their pilliadg should be worth to them more then the losse of their tyme.

Richard Browne.

Rich: Moryson.

Jurat: in presencia mei Will:
Baulke notarii publici
et exam: per me dictum Will: Baulke.

William Leuermore Aliis Cox de Kecoughtan in Virginia ætatis 28 Annor. aut eo cerciter natus infra Rumsey in Comitatu Hamsheere testis in hac parte productus juratus et examinatus.

Ad 12. Dicit et deponit That he this deponent well remembreth that in Anno 1629 Capt: William Clayborne being then

goeing for England, did deliver into the keepinge of Capt: Thomas Purifie a stock of neat Catle about the number of 12 belonging to Sir Tho: Gates deceased which Cattle with all their Increase were about August in Anno 1631. by the said Capt: Claibornes order carried up to the Isle of Kent and for the rates of the Milke this deponent remembreth that yt was then sould for 12^d per gallone in monny and further sayth that the food for such Cattle is little or nothings worth in Virginia and that yf yt be not eaten rotteth and fadeth away or is burnt yearely and further deposeth not.

P. R. O.
Colonial
Papers.

The marke of
William + Leuermore
Aliis Cox.

Rich: Moryson.

Jurat: in presencia mei Will: Baulke
notarii publici et exam: per me
dictum Will: Baulke.

Ad 42. Dicit et Deponit That to this deponent's owne knowl-
edge the goods of the articulate John Heriott deceased were
by the direction and order of the said Evelin apprazed by in-
different men at the rate of £8. 7^s 10^d and were worth noe
more and that which doth induce this deponent to say thus (is)
this deponent and 2 men more were by the apprayzers of the
goods aforesaid, and that after the apprayzement yt was thought
the said goods were over prayzed, and soe were turned and
put uppon the prayzors which the other prayzors did refuse
but this deponent did accept and take the said goods, and
this deponent did deliver part of the said goods to the said
Evelin, viz: A trunke a sword a knife and other things at
the rate they were prayzed being the best pennyworths as
this deponent conceiveth. And further deposeth not.

Anthony Linney

Rich: Moryson.

Jurat: in presencia mei Will: Baulke
notarii publici.
et exam: per me dictum Will: Baulke.

PROCEEDINGS
OF THE
COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

THOMAS NOTLEY,
Governor.

1676-1681.

Copy of a Commission granted by my Governor & Councell
to Henry Coursey Esq^{re} for making Peace wth the Indians.

P. R. O.
Colonial
Papers.
B. B. p. 5

30th Apr: 1677.

Thomas Notley Esq^{re} Lieutenant and Chief Governor of the Province of Maryland and the R^t Hon^{ble} Charles Absolut Lord & Prop^r of the Provinces of Maryland and Avalon Lord Baron of Baltimore etc: To all to whom these p'sents shall come or any waise appertaine, Greeting in our Lord God Everlasting. Whereas the Susquesahannohs, Cinnigos and divers other Nations of Indians Inhabiting to the Northward of this Province, have formerly Committ^d divers murd^{rs} and other outrages within this Province upon w^{ch} there hath ensued a warr between his Ma^{tie}'s Subjects residing within this Province and the Government of his said Lordshipp as well as with those residing under the Government of his Sacred Ma^{tie}'s Collony of Virginia and the s^d Susquesahannohs, and whereas the said Susquesahannohs have sithence and lately desired to come to a Treaty of Peace with his s^d Lordshipp, and have (as I am informed since the said overture, submitted themselves to and putt themselves under the protection of the Cinnigos or some other nations of Indians resideing to the Northward of this Province, and within or neere unto the Territory of his Royall Highness the Duke of Yorke. Know yee that I have constituted, ordained, appointed, and authorized, as I doe hereby constitute ordaine appoint & authorize Henry Coursey Esq^{re} one of his Lordshipp's Councell for this Province as Ambassador or Envoy to treat with and Conclude a firm peace with the said Susquesahannohs, Cinnigos or any other Indians now unknowne to us inhabiting or residing to the Northward of us within or without the Territory of his s^d Royall Highness, and from whom we have already received injury or may hereafter reasonably suspect we may receive injury by the Confederacy between them and the said Susquesahannohs upon such reasonable Tearmes as to him shall seeme meete and Convenient according to his instructions, And forasmuch as the said Indians do now reside for the most part within the Territory of his said Roy^{ll} Highness, or at least cann so be treated with, but by a Journey to be had through his said Roy^{ll} Highness's Territory, I doe here-

P. R. O. by constitute, ordaine, appoint and authorize the said Henry
Colonial Coursey to treat with Edmund Andross Esq^{re} Seigneur of
Papers. Sansmarer L^t and Govern^r Gen^l und^{er} his Royall Highness
B. B. James Duke of Yorke and Albany & of all his Territory's in
America and to desire leave to pass through s^d Territory under
his Governm^t to the Treaty with the Indians aforesaid, and to
request his assistance in the procuring of a firme peace for all
his Ma^{ties} Subjects in his Ma^{ties} Collony of Virginia as well as
for those of this Province with the Indians aforesaid. Where-
fore I doe request that the aforesaid Henry Coursey according
to the Law of nations may be received, credited & believed,
promising to ratifie, Confirme and approve whatsoever shall
be done by him in the premises according to this my Com-
missⁿ as if it were done by my self. Given at S^t Maries und^r
my hand and the Great seale of this Province this 30th day of
Aprill in the Second Yeare of his L^dpps Dominion, annoq^r
Domini 1677.

Vera Copia Ex^s

per me

John LLeuellin Sec^r to the L^t Gen^l.

- p. 6 Instructions for Coll. Henry Coursey in Execucōn of his
Comissⁿ for Treaty with the Susquesahannoys & Cinnigo
Indians etc:

Imp^{ms} You are with all convenient speed to begin your
Journey towards New Yorke, by the way of New Castle
upon Delaware in ord^r to yo^r going unto Albany there to treat
with the Cinnigo Indians, and at yo^r arrivall at New Castle to
signify to the Deputy Govern^r there for th^t time being in Generall
tearmes that you are sent to Coll Andross by his means to
come to a treaty with the Cinnigo Indians at ffort Albany or else-
where as oportunity shall offer, and y^e are there to endeavour
to inform yo^r S^{lf} from Capt^a Collier and others of the true
state of the Susquesahannoys, what number they are, upon
what tearmes they are recd: by the Cinnigos, whither there be
any of them that are not submitted to the Cinnigos, if any such
be und^r whose protection they live, and how they may be
treated withall in ord^r to the setling an universall peace be-
twene us the Susquesahannoys, Cinnigos & the rest of the
Indians to the Northward, as also betweene the s^d Indians and
all the lowland Indians in league and Amity with us.

2. In case any of the Cinnigo Troopes be neere New Castle
at yo^r being there you are to endeavour to speake with them,
and to lett them know that you are upon yo^r voiage to Albany
to treat with their Rulers there of a firme peace, and to obtaine
if possible a cessation of armes at least if yⁿ cann between
them and all his Ma^{ties} Subjects in these parts and for all
Indians in these parts now in Amity wth his s^d Ma^{ties} Subjects.

3. You are to apply yo^r Self to the Governor of New-Yorke, and rendring him thanks for the civilities he hath shewn to this his Lordshipps Governm^t to desire him to assist yⁿ in procuring a treaty for yⁿ with the s^d Cinnigo Indians, and the Susquesahannohs if that there be such a Nation.

P. R. O.
Colonial
Papers.
B. B.

4. When yⁿ shall come to a treaty with the Cinnigos, yⁿ are to lett them know, that we had noe knowledge of them but by the Susquesahannohs Indians reports: that they from time to time tould us that the injuries we recd: in our goods, and the murd^{rs} of our people were all perpetrated by the Cinnigos, that we afterwards found out that those very murd^{rs} w^{ch} the Susquesahannohs fathered upon the Cinnigos were committed by the Susq^s themselves, and that that was the reall cause of the warr between us, and the injury to us was the greater because the Susq^s by the articles of peace between us were obliged to give us Twenty daies warning of their Intentions to warr if at any time they grew weary of the peace with us, w^{ch} notwithstanding they in an open hostile manner with the Maj^r part of their fforce, and some (if not all) of their great men present assaulted the house of Randall Hanson, standing within three miles of their ffort, and there continued in fight one whole day, after all w^{ch} they had the confidence to endeavour to persuade us it was the Cinnigos that Committed the outrage.

5. In the Articles of Peace between the said Cinigos and Susq^s (if yett the case be in a capacity to treat by themselves) you must include the Poscattoway Indians by name, and all our other low land Indians in amity with us in generall tearmes, because the Publick faith is given to the Pascattoway that we will include them in our peace with the Northern Indians, and we are never safe from the Northern Indians as long as they have any pretence of warr with our ffriend Indians, nor from our Neighbo^r Indians as long as they can have any colo^r of a warr to hide their owne faults and lay it upon their Enemies.

6. Since this last Instruction may prove the harder part of the negotiation and that the Northern Indians may perhapps be unwilling to condescend to it from some injuries done by our neighbours to them unknowne to us, You are (in case they stick much at that article) to enquire into the true causes of their quarrell and to make the Cinnigos and other Indians Satisfaction in the name of the Pascattoway's though we ourselves be at the charge of it, so to settle our own peace, nothing being so prejudiciall to us as a warr, nothing more to the decreaseing of his Ma^{ties} Customs then such dirtractions as take the people from planting.

7. Ffor the rest of the Articles of the peace they must be left most to yo^r owne discretion, depending upon the information yⁿ shall receive in yo^r voiage of the state of affaires; if you find

P. R. O. they aime at a trade with us, y^u must inform yo's:lf of what
Colonial Articles are made by Coll. Andross and by them, fitt others for
Papers. our turne and way of trading If noe trade be aimed as there
B. B. will be little more to insert but the Common tearmes of in-
violable peace and Amity, between them, the Lord Prop^{er} of
this Province: and all his Maj^{ties} Subjects in those parts, as
well in Virginia as in Maryland, for we include not them we
shall suffer as much in their passage through our Country, as
in our reputation for having abandoned our Brethren and
fellow Subjects.

8. You are to inform yo'self what presents are usually made
by the Governm^t of New Yorke to the Indians in like occasions,
& to make the like in the name of his Lordshipp as also to
make a present of one hundred pounds Sterl: to the Govern^r
of New Yorke as a token of his Lordshipps thankfullness for
his care and kindness shown to this Province.

9. You are to apply yo'self to M^r Jacob Leslier or any other
for such moneys Wampom, ffurres, or truck y^u shall stand in
need of, w^{ch} shall be paid him by the Publick next Leavey.

10. When y^u have fully informed yo'self of the State of
Affaires where y^u are designed, and of the manner of treating
wth the Indians if y^u shall find the foregoing instructions
deficient in any point w^{ch} may be necessary for you in the
execution of yo'r Commissⁿ y^u are then to use the utmost of
y^r care & endeavor so to act as may be most for the service
of his Lordshipp & the good & safety of this Province accord-
ing to the best of your judgment & discretion to w^{ch} in such
cases I wholly referr y^u.

Given at S^t Maries und^r my hand and his Lord^{pps} Lesser
Seale at armes this 30th day of Ap^l in the 2nd yeare of his said
Lapps Dominion. Annoq^r Domini 1677.

The foregoing is a true Copie Ex. per me

John LLewellin Sec^r to the L^t Gen^l.

Copy of M^r Henry Courseys Instructions
from my Governors & Councell of Maryland.
30th April 1677.

Copy of Coll Henry Coursey's letter to P. Nolleys.

Upon Delaware River 22nd May 1677:

Right worthy & honoured S^r

On the 19th instant I wrote you from New Castle upon this
River which I sent away by some neighbours of mine that
came to accompany me thither, On the 20th came Jacob Young
from Maryland which gives me a better acc^t then I receiv^d
there, w^{ch} is as followeth. That them that kild Richard Miltons

family were eight Susquahanoes and upon that immediately fled to the Senuques & that all the mischief that hath been done hath been by their severall troops as they come out of Virginia, and them two this year shot were by two Susquahanoes that came with that troop of Senuques that carried the Susquahanoes from this place since w^{ch} the same troop took the cheife warriours in the Susquihanoes River being 30 in number who had then been a hunting to make a present to you for peace among w^{ch} was the young Indian I formerly talked with att Jacob Youngs, old Colleir was coming himselfe but was by the rest persuaded to dissist for want of a Present, I have now sent for him and one other great man to come to me where I now stay for them, Here is 26 men of them left here still, I purpose to persuade them to goe with me to New York it being Governo^r Andrews orders to Capt. Collier to send them & judge it the best way to knit the peace with them in the Articles joyntly for these two Governm^{ts} in respect they now live und^r this Governm^t (not leaving Virginia out) and I am advised it will bee the only way to include the Piscatoway Indians which by their own expressions will I hope prove the hardest part of my taske & att a dear rate too I doe find by the Interpreter that Capt. Collier hath been an evill Instrument to our Province for it was offered by the Senuques to include Maryland as well as this Governm^t likewise he hath reported that his answer from yo^r Honor or them you impowred to answer Governor Androes letters that Maryland would make warr or peace att their owne pleasure and this hath incensed Governor Androes, I doe not hear of any Senuques this way, but I find a Report by one Indian that is said to come from their Troops that they said they would be att Palmers Island by that tyme corne was halfe legg high I likewise find a necessity to carry Jacob Young along with me without whom I cann doe nothing, & what truth is to be had is from him & none else Hee tells me that the Senuques having marched about 10 days then fell at some difference amongst themselves how to divide them Susquahanoes they had with them they being of two sev^{al}l fforts and upon the division the Susquahanoes were very much displeased and some of them got away, the rest they bound and carried with them but it is Judged not to hurt them for every one of the fforts strive what they can to get them to themselves and Govern^r Androes to get them to the Masoques for it was told me by Cap^t Delavall that if they had them they would make warr immediately with the french. This 23^d instant came to me 4 Susquahanoes and with them the emperor of the Delaware bay Indians and upon discourse with them I find them all inclining to a peace that have promised mee that two of their cheife men with all haste shall follow us

P. R. O.
Colonial
Papers.
B. B.

P. R. O. to New Yorke and further they desire that if any mischiefe bee
Colonial done that we would not impute it to them and as soon as they
Papers. hear of any Troops of Senuques that are come down they will
B. B. endeavour to speak with them to prevent any mischiefe that
may bee done by them or any of their Indians with them which
yett have not knowledge of any Treaty with us I hope by this
that I shall keep all in safety in Maryland and yett I judge it
will be necessary that yo^r Honor intimate to Major Nells that
hee bee very watchfull at that side the Bay but if possible not
to do any injury. I have given them a present as also to the
emperor of Delaware for it seemes it is the Custom here that
sends to speake to any Indians must present them something,
upon which he tells me that the peace^e betwixt us shall be
justly kept I tell him as I come back wee will draw it into
writing with which hee is well pleased as likewise that I go to
the Senuques S^r I am now ready to take Horse again for New
Yorke where I hope to bee by Satturday night I have sent
one man of my Company back on purpose with this letter and
to bring with him Yo^r Hono^{rs} Answere and what I write about
M^r Rousbie. S^r haveing not more att present I rest

Yo^r Honours

Humble servant

Henry Coursey.

22 May 1677.

p. 9

Copy of Tho^s Notley's letter to
Col^l Henry Coursey in answer to his from
Delaware Baye. 2nd June 1677

Coll Henry Coursey

S^r Yo^{rs} of the 22^o May I rec^d this morning about 2 houres before
day w^{ch} was very wellcome and am heartily glad that y^u have
made soe great a discovery in soe short a time as to the state
of the Indians Especially as to the Susquhannohs. I approve
of what y^u have done in ord^{ing} them to follow y^u to New
Yorke, and in the matt^r of the p^sents y^u have made, all w^{ch} are
Correspondent to the Liberty given y^u in the latter clause of
yo^r instructions, I must now say to y^u once for all that in all
Cases where you have no positive Instruction it must be left
to yo^r owne discretion and what y^u shall doe in those Cases
yo^r ord^r will be yo^r authority I am glad Iacob Young goes
with yo^u and that y^u have recd soe good Intelligence from him ;
what y^u shall doe in Relation to the Pascattoway Indians must
and shall be affirmed, I shall write Majo^r Wells about what you
mentioned and give him strict ord^r therein I am sorry to heare
that Cap^t Collier hath done ill offices betweene Governo^r Andross
and us, knowing very well that the Chancelo^r who
answered the Lett^{rs} sent me gave noe occasion nor did my

pticular Lett^r but either Cap^t Colliers ignorance or misinter-
pretation hath given the occasion, when y^u receive this pray
labour to undeceive Governo^r Andross and in case he be any
way settled in an ill opinion of us desire a sight of the Chancel^{rs}
and my Lett^{rs} of them I know y^u will be able to make such a
judgem^t as to give him satisfaccōn in that point, I much approve
of all yo^r pceedings so farr as y^u have advised me, and doubt
not but y^u will manage the rest, & all things to the great satis-
faccōn of this Governm^t Content to the People here and Hono^r
to yo^r self w^{ch} God grant may be effected. One thing I must
add that if upon the whole Consid^{ation} of yo^r negotiation y^u
shall think it more necessary to lett the Susquehannoh Indians
live in this Province then elsewhere, then to endeavor so to
ord^r it, if not however to leave noe gapp, but to make a
thorough Conclusion with all Indians w^{ch} the ord^{rs} referr unto
I depend upon yo^r judgm^t and discretion for the managem^t of
all w^h Concernes your negotiation according to yo^r instructions
and wish y^u good success therein and if any difficulty doe arise
in the managem^t soe that y^u cannot act without further instruc-
tion lett me heare from y^u with all expedition imaginable
otherwise if y^u find an Easy and ffeasible Entrance & pceeding
in ord^r to a good conclusion y^u need not be at the trouble to
send but I shall expect the happy tideing of yo^r Negotiation by
yo^rself in pson in Convenient time so wishing y^u health &
Prosperity a good conclusion of yo^r negotiation and a safe re-
turne with my true respects p^rsented I Rest

S^r Yo^r sure ffriend and Servant

To the Honble L^t Gen^l Andross p^rsented
my service

Forgett not to include Virginia by name In all Articles
you make with the Indians.

Henry Coursey's of the 22nd of May 1677.

Nomini June 22th 1677

p. 10

Most Honord Sir

I am sorry Pinckneys deceits were so prevolent thereby to
make ready & easy means for his transport, Hee carried from
his Master the val of 40l sterl. as it was not the first cheat, so
neither will it be the last of this nature in our wilderness where
it's to be admired how any are taken, then that any should
escape, since the greatest part of our rude multitude have
served an apprentiships to the Art of escapes. The 29th of
May produced a peace, but what terms I cannot particularly
say, my occasions not allowing me to be there. The Nauratico
Indians came not then in but had twenty days time allowed
them to come in, since some come in to us, some of which have

P. R. O. been brought before me, who declare their willingness to peace,
Colonial and to manifest it run the hazard of their lives privately to get
Papers. into English houses as a sanctuary, where they had formerly
B. B. lived, who notwithstanding their strong desire to peace, and
endeavours for it, had bin destroyed by Our wild headed
rabble, if I had not interposed, and restrained them, to their
dissatisfaction. With y^r particulars of our peace yo^r com-
mands shall be fully answered by

S^r Your humble Servant
Nicholas Spencer.

Please to give my most humble service to yo^r
Honored Lady & ffamily.

22 June 1677

These
For the Hon^{ble} Philip Calvert Esq^r Chanc^r
of the Province of Maryes

present
In S^t Maryes. from Nich: Spencer.

P. 11

From the L^t Gov^r Thos: Notley

Copy of a Lett^r from the Gov^r
to the hon^{ble} Gov^r of Virginia

June 22^d 1677 from S^t Marys.
Maryland.

S^r The preservation of His Ma^{ties} subjects in these parts
from plunder and destruction by the Northern Indians obliged
me to send an Agent to New York by the means of Col^l An-
dros to come to a Treaty with the Heads of all the severall
Nations who were in a possibility of annoying of us, from him
I have recd. the inclosed directed to yo^rself, the purport of
which I am given to understand is to know how you have pro-
ceeded either as to Warr or peace with the Indians within yo^r
Territories, and what yo^r designs may be as to the Indians that
live to the Northward that he may not thwart yo^r designs by
any Article made by him or us with whom he hath thought fit
to joyn in making a secure peace for himself and us, and all
other His Ma^{ties} Subjects under your Government unless you
signify tis not for His Ma^{ties} or yo^r own Honors & interest to
join with him and us in this Affair. I send this upon the same
errand, and desire you will signify yo^r resolutions to us with
speed, because the 15th day of July is the day appointed for
the congress at ffort Albany.—

It is the stile and custom of the Indians to make presents
with every severall demand or Article in their peace & the
same they expect from us. So that in case you desire to be

included in the peace now to be made at ffort Albany with the
Susquæсахaimohs Cicinigos and other Northern Indians I desire
to know what you will insist upon, and what presents you will
think fit for us to make in yo^r behalf for the binding of every
Article upon every severall Proposition. This S^r is that which
I thought necessary to inform y^u of and shall not now further
trouble you then to assure you that in this and in all other
occasions I shall shew myself His Ma^{ties} faithfull and obedient
& subject and

P. R. O.
Colonial
Papers.
B. B.

Yo^r Humble Servant
Thomas Notley

June 22^d 1677

Propositions made by Coll^r
Henry Courcy from the Lord
Proprietary of Maryland, and
all the Christians there
Inhabiting as also from the
Xians of Virginia to the Sinnico
Indians &c^a

p. 12

Brethren it is not distance of place or difficulty of the way
that hath hindered us from coming to see you before now, but
living so remote wee had not that knowledge of you hereto-
fore as now wee have had By the Hon^{ble} the Governor Gen^l of
this place and therefore—

1. I am sent hither to tell you that Wee have but one
Soveraign Lord and King over us all, and though hee hath
been pleased to sett severall Rulers and Governors over us
His people for the better distribution of Iustice amongst our
Selves, yet as for peace or Warr, wee are all but one people.
And that hearing by the Hon^{ble} the Governor Gen^l of this
place that y^e were a people who were alwayes obedient to this
Govern^t of New York, and that y^u were faithfull in yo^r
words and promisses, which wee seldom find in others, hath
induced Our Rulers to send me in behalf of themselves and all
the Xians in Mary-land, and Virginia to make a firm peace and
Amity with you to the Worlds end.

2. Wee formerly had peace with the Susquesahannahs,
which they perfidiously broke, not only killing single persons
when they found their advantage, but at last with the greatest
part of their force assaulting a whole family in a house (to
amuse us) they told us these outrages were committed by you
the Cinnigos, thereby to engage us in their quarrel with you.
Wee finding out their perfidiousness and breach of faith fell
upon them, and have now so near destroyed them that they
are forced to seek shelter under y^u who were before their
Enemies. To the end therefore that there may be no cause of

P. R. O. quarrell betwixt yⁿ and us, and that wee may now live in peace
Colonial as Brethren created by the same God though heretofore not
Papers. B. B. Known to one another, Wee desire that all such of the Sus-
quesahannah nation as shall come under yo^r protection may by
yⁿ be obliged not to do any violence or wrong to any Xian
inhabiting either in Maryland or Virginia, or to any Pascatta-
way Indian, or other Indian in amity with the Christians of
Maryland or Virginia, but that a peace may be established as
well between all the said Christians as all the said Indians to
last as long as the World shall endure.

3. In case any injury shall hereafter be done by any of the
said Susquesahannohs living under the p^rtection of you the
said Cinnigos, or by any of yo^r own Nation, You shall deliver
them upto us, or to the Hon^{ble} Govern^r Gen^l of New Yorke,
if Wee desire it to be proceeded against, according to his
demeritts, and the nature of his offence.

4. To the end there may never be any cause of quarrel
between us, if the Cinnigos have occasion to come into the
Confines of the R^t Hon^{ble} the Lord Prop^{ty} of Maryland, Wee
desire they will first apply themselves to some of Our Officers
at the head of Chesapeake Bay, and give them notice of their
arrival, and intentions and take a Pass from some of them, that
our people who understand not the Cinnigos language, may
treat them civilly, and not be put into a jealousy that they are
enemies.

Signed by T: W: P: C.

W^m Cull: Bd: B.

& Benj^a Rover

Proposall to the Indians.

Copy of the Gov^r & Councill
in order to Coll. Henry Courcy to be
made use of at the Congress
the 15. July 1677

At Fort Albany

p. 4

Letter to be sent to my Lord Baltimore
Govern^r of Maryland.

After our very hearty Commendations to your Lo^p Wee
having received information from very Credible Hands that
many of his Ma^{ty}s Subjects Inhabitants of the Province of Mary-
land, do live very dissolute lives comitting all notorious Vices,
& profaning the Lords day to the Great Scandall of the
Christian Religion. This being come to Our Knowledge Wee
could not but acquaint your Lo^p therewth for whom it is proper
to see the same Redrest: Wee do hope that there are suffi-

cient Laws to restrain & punish such evil lives, & to oblige men to live at least like Christians though not of the same profession, If the Laws be full enough herein Wee do desire your Lo^p to take care that they may be put in Execution & if any Law be defecteive or wanting herein, that the defect may be supplied, by such new Laws as the Occasion requires.

P. R. O.
Colonial
Papers.
B. B.

Wee are likewise informed of another particular from whenever Wee have reason to beleieve, that this disorderly & wicked kind of living of the Inhabitants proceeds in a great measure; w^{ch} is that there is no custom establisht allowance for the Ministers of the Gospell whereby able, Sober & Learned men might be invited to go over to instruct them, & especially in the Protestant Religion according to the Church of England, w^{ch} is the cause that there is a great want of able Ministers there. As Wee know how fit & necessary it is, to have that want Supplied, as Wee likewise think it very convenient that it should be done without Imposing any burden upon the Inhabitants other than that they are willing freely to Settle for the Support of their Ministers. In order whereunto Wee desire that your Lo^p will write to the Governour and Councell of Maryland, to send Over an acco^t hither wth as much speed as may be; How many Ministers of the Protestant Religion according to the Church of England are now wth in the s^d Plantacōn & what Settlements and allowances they respectively have; And to the end they may be Supplied wth Ministers where they are wanted Wee desire yo^r Lo^p to direct the s^d Govern^r & Councell to take an acco^t of all the Protestant Families there & the value of their respective plantacōns, & then considering their Situations in respect of distance one from the other to see how many Congregations they may make up, that so they may be accordingly Supplied wth Ministers, And this being done Wee desire your Lo^p to give direction to the s^d Govern^r & Councell to inquire what each respective Congregation will be freely willing to Settle for the Maintenance of an able Minister, And when the s^d persons shall have agreed upon such Certain allowances as afores^d, that then the upon the desire of the s^d persons s^d Govern^r & Councell doe endeavour to have the same Enacted into a Law as is practised in other his Ma^{ty} plantacōns. And of this whole matter wee desire to have an account wth as much speed as conveniently may be.

Wee would likewise be glad to have an account how matters of Religion stand as to the dissenters from the Church of England, That is to say what Number of Ministers or Teachers, they respectively have, & what settlement or provision they have made for them, & in Gen^l Wee would willingly have an account of the Number of the Planters in Maryland & of what persuasion they are in matters of Religion, & the number of each persession respectively. All w^{ch} we recomend to your

P. R. O. Lo^{ps} care to give such directions in as shall be necessary so as
Colonial that we may receive a speedy account concerning all the par-
Papers. ticulars herein contained: of w^{ch} not doubting Wee remain etc.
B. B.

Approved & dd to My L. Baltimore
on the 19th of July 1677.

Ent: B: M: p: 33.

p. 16 Propositions made to the Maques and Sinnequo Indians by
Henry Coursey Esq: on the behalf of the Right Hon^{ble} Charles
Lord Baron of Baltimore Lord and Proprietor of Maryland
for all his Maj: Subjects in Virginia and Maryland.

1. Being informed that the Maques Sinneques &c are of his
Governm^t and faithfull and constant Friends to the English
under our great King, I am come from my Lord Baltimore
Lord Prop^{ty} of Maryland, and all his Maj^{ties} Subjects of Virginia
and Maryland to see and speak with them here.

2. That though through mistakes some discontents or
injuries may have happened between us heretofore, now upon
the good report of them which I find we are willing that all
what is past be buried and forgott you taking care, (as we
shall on our parts) that your Indians nor none living among
you or coming through your Country do for the future injure
any of our persons, Pascattoway or other our Indians liveing
with us, or goods, or if any ill persons should do us any harm
that there be present full satisfaction given for all injuries or
damages.

3. The above being observed soe that noe injury or damage
be done, or satisfaction given, we shall alwaies esteem and
treat you as our good neighbours and friends.

4. And in case hereafter any difference should happen be-
twixt you and the Indians in league with us, that you will not
immediately make war, before that we know the occasion, soe
that thereby we may call them to account for the Evil done to
you and to propose satisfaction to you for that wrong and see
to continue the peace.

Finis

Interpreted by The Onnondages Answere to the Propositions
M. Garrett Van made to them the 20th day of July 1677 by the
Slichten hoorst. Hono^{ble} Coll: Henry Coursey Authorised by
Charles Lord Baron of Baltimore Lord Prop^{ty} of Maryland in
the Court house of Albany the 21st July 1677.

| | | |
|------------------|---|------------------------------|
| The names of the | { | Carachkondie who was speaker |
| Sachems are | | Panowianicheo |
| | | Sichnochary |
| | | Onicequichtaro |

1. They say we are sent for by a belt of Zewant to speak with his Honor the Governor Generall here and afterwards a Belt was sent to us by Coll: Henry Coursey authorised by Maryland and Virginia, that we might make the greater haste to come downe, which we have done, And he saith that we nor none liveing among us shall for the future injure any of their persons or goods, whereupon we promise and answer that for the future we shall not injure or do any damage to the people of Maryland or Virg^a and doe thank the gentlemen there that they do exhort us to the peace, for we are soe minded but doe acknowledge that we have killed of your Christians and Indians formerly, whereof Jacob Young ats: my friend was a great occasion thereof, but we desire now, that all which is past may be buried in oblivion, and doe make now an absolute Covenant of peace which we shall bind with a chain for the sealeing of the same doe give

P. R. O.
Colonial
Papers.
B. B.

A Belt of 13 Deepe.

2: They doe again rehearse that Jacob Young was a great Leader and Captain against them whereby the warrs have been continued, But even as the Governor of Cannida had warrs with us whereupon a good peace followed, soe it is now with us to which peace we desire that God Almighty who dwells in heaven may give his blessing thereunto, and suppose that any difference should arise hereafter betwixt us and you, and your Indians we desire that we might give one another satisfaction and not immediately to fall in war, doe give

3. Beavers.

3. We doe lett you know that there are of ours four Castles of the Sinneques out a fighting against the Susquehannohs, you may therefore warn your Indians, that there may be no injuries or damages done hereafter and soe to continue the peace doe give

2. Beavers

This is a true Copy translated, compared & revised
p. me Rob^t Livingston Sec^{ry}.

Interpreted by
Mr Garratt
Van Slichten
Hoorst.

The Onneydes Answer to the Propositions made to them the 20th July 1677. by the Hono^{ble} Coll: Henry Coursey Authorised by Charles Lord Baron of Baltemore Lord Prop^{ry} of Maryland in the Court house of Albany the 21st July 1677.

| | | |
|------------------|---|--------------------------|
| The names of the | { | Swerisee who was speaker |
| Sachems are | | Sarechtoa |
| | | Canachyndia |
| | | Canenthare |

P. R. O. 1: They say we doe absolutely approve of that which the
Colonial Onondages have now said (calling them their Fathers, as they
Papers. doe likewise the Christians of this Governmt and are willing
B. B. and ready to obey the command of the great king Charles who
liveth over the great Lake meaning our Sovereign Lord the
king of great Brittain &c. doe present.

A Belt of Zewant.

2: We doe recommend that you will take care (as we shall
on our parts) that the propositions you made yesterday be
punctually observed, there is formerly one of our Indians
wounded by you which occasioned our plundering of your
houses, we must also acknowledge that we have killed some
Hoggs and beasts to eate when we were a hungry but never
to have killed any Christians, doe present

2: Otters.

3: We are now come together to make the covenant, and
doe again absolutely approve of that which the Onnondages
have done, but doe lett you know that there are twenty of our
Indians gone out to fight against the Indians of your Nation
we desire that if they doe any harm that it may be excused this
time because it is unknown to them, and if we for the future
(after our People are come home) shall use any hostility that
way, then you may think we doe not according to our promise
but we are not soe minded doe give

2. Beavers

This is a true Coppy translated, compared & revised
p. me Rob^t Livingston Sec^{ry}.

N. B. The Onneydes were present when the Propositions
were made to the Onnondages and when they gave their
Answer.

Interpreted by
Akus Cornelise
who was assisted
by Mr Arnont
Cornelise Vicle

The Maques Answer to the Propositions
made to them the 4th of this instant by the
Hon^{ble} Coll: Henry Coursey authorised by Charles
Lord Baron of Baltemore, Lord Prop^{ry} of Mary-
land in the Court house of Albany the 6th day of August A^o
1677.

The names of the Sachems are

| | | |
|------------------------|------------------------------|-----------------|
| | of the | |
| 1 st Castle | Canachkoe | } 2. Castle |
| | Arhagari | |
| | Rooke | |
| | 3 ^d Castle | } Cassenossacha |
| | Canondondawe who was speaker | |
| | Odianne | |
| | Pagansanagoe | |
| | Senachedgie | |

First they say with a preface

P. R. O.
Colonial
Papers.
B. B.

1. We are glad that the King's Governors of Maryland and Virginia have sent you hither to speak with the Maques, as also that the Governor Gen^l hath been pleased to destinate and appoint this place to speake with all Nations in peace, finding this a fitt place for the same, for which we doe returne his Honor hearty thanks, especially that his Honor hath been pleased to grant you the priviledge for to speake with us here, seeing that the Governor Gen^l and we are One, and One heart and One head, for the Covenant that is betwixt the Governor Gen^l and us is Inviolable yea so strong that if the very thunder should breake upon the Covenant Chain it would not breake it asunder. We are likewise glad that we have heard you speake, and now we shall answer, if in case any of our Indians should injure any Christians or Indians in your p^{ts} or your Christians or Indians doe any damage to our Indians, we desire that on both sides the matter may be composed, and that which is past to be buried in oblivion They say further that the Sinneques were upon their journey to come hither with six hundred men but for feare turned back again, but we were not afraid to come here, doe give thereupon

A drest Elk Skinn & a Beaver.

2. We have heard you speake, and now we shall answer unto your propositions you have said that all which is past shall be buried and forgott, which we doe likewise holding ourselves innocent of any injury done to any of the Nations Maryland or Virginia, but have alwaies spoke with One another in friendship and have likewise received many favours, Bread and other Provisions for which we humbly thank you and if any doe accuse us of having done any injury or damage there they doe belye us we having been but twice there doe give thereupon

2. Beavers.

3. If any difference should arise betwixt you your Indians, and our Indians we desire that there may not immediately a warr arise upon the same, but that the matter may be moderate and composed betwixt us, and we doe engage for our prs: to give satisfaction to you for any Evill that our Indians might happen to doe and doe give thereupon

2. Beavers.

4. They sing a song after their manner being their Method of a new Covenant made, which they doe undertake to hold firm—being the first time they have seene Any Authorized from Maryland and Virginia and say further we are glad and doe welcome his Honor the Coll: with a Beaver and a drest Elk Skinn for his trouble in coming soe farr a Journey.

5. They doe sing another song the meaneing whereof is that there People might not forgett what is past betwixt them and the Coll: but might be alwaies mindfull of what is done in this

P. R. O. house ordeined to that end by the Governor Gen^l And if the
Colonial Sinneques now or at any time hereafter should appoint any
Papers. other place for to speake with you, in their own Country or
B. B. elsewhere, we desire that it may not be accepted, but that this
be and remaine the onely appointed and prefixed place, and
all that was propounded, by you the 4th of this instant, we
desire that it may be punctually observed upon your side as
we shall upon ours, and if you have a mind hereafter to speake
with us, we desire that it may be here and noe where else doe
present

A Drest Elk Skinn.

6. They say we doe returne you hearty thanks for the re-
leaseing of the two Sonnes of Canondondawe, and likewise
that you beheaded the Sachem of the Susquehannohs named
Achnaetsachawey who was the cause of their being taken
prisoners and doe present.

5. Beavers.

This is a true Coppy translated, compared & revised
p. me Rob^t Livingston Sec^{ry}

Interpreted by
Akus Cornelise
who was assisted
by Arnont
Cornelise Vicle

The Sinnondowannes and Cajouges answer
to the Propositions made to them the 22^d August
1677. by the Hono^{ble} Coll: Henry Coursey Au-
thorised by Charles Lord Baron of Baltimore
Lord Prop^r of Maryland in the Court house of Albany the day
and yeare above written

The
Sinnondowannes
Sachems are

Adondarechaa Speaker
D' Canendodo
Thowekinio
Kajanwee
Die Die Hokoran
Oguera is

Brethren we are now come upon y^r sending for. Whereas we
have alwaies had a firm Covenant with this Government
which hath been faithfully kept by the Governor Gen^l whom
we have taken to be our greatest Lord for which we doe give
him hearty thanks, for he hath putt aside all mistakes which
have happened, we never had warrs with this Government but
with yours, and now you are come from Maryland and Virginia
to speake with us in his presence and lett that w^{ch} you have
proposed to us be as fast and firm as the Covenant we have
with the Governor Gen^l we humbly thank you that you have
sent for us to speake with us in this Government and doe
present.

Half a Beaver

2. You are come here to speake with us of good things, and
we will give you a good Answer thereupon doe give

One Beaver.

3. We thank you that you doe bury and forgett all former discontents or injuries as we doe the same, and never more to be remembered, for we know very well our People have been offensive unto you: we desire and recomment unto you the continuation of the Covenant now made betwixt us as that which we have with the Governor Gen^l doe give One Beaver.

P. R. O.
Colonial
Papers.
B. B.

4. In case any of your Indians doe any hostility to us we shall acquaint you therewith before we take up the axe against them, and we desire the like of you and the reason that we plundered the English there was their entertaining of those Indians that were our Enemies, but we promise never to doe the like. doe give One Beaver.

5. We doe thank you for the presents given to us, and we shall punctually observe that which you have propounded to us desiring the like upon your side it is concluded in our Castle that all the Sachems shall come here the next Summer about the moneth of June to make propositions, and it is their earnest desire to see Coll: Coursey here or some other authorized from the Government. doe give

A Beaver.

The Cajouges Answer being named viz^t
Attawachrett who was Speaker
Sohassiowa
Assendo
Sonnondaendowanne
Degaweyoo
Porondatgethoo
Canehecatt

They speake as followeth

1. We thank you for your sending for us and for the Waggon we had from Schinnechtida hither, though the smallest Belt of Wampum was sent to us, we doe thank you and our heart is good. doe give A Small Beaver

2. We doe absolutely approve and confirm the Sinnondowannes Answer for our Resolution was taken together. doe give

2. Beavers.

3. They repeat the Answer again, and shall observe that which is propounded to them, and doe say we thank you kindly that you have buryed all former discontents or injuries as we doe the same and give

2. Lapps

4. This is the first time we have seene any authorized from your Government and doe thank you for your Propositions and in case any mischiefs doe happen before we come home, that must not be accompted, for soe soon as we come home

P. R. O. we shall publish this, but if any harm be done to your Indians
Colonial by us for the future, we will make you satisfaction to the full
Papers. desiring the like of you. doe give 2. Beavers.
B. B.

5. We do thank you likewise for the propositions you have made, and for the presents given us for our farr Journey doe give

5. Lapps.

This is a true Coppy translated, compared & revised
p me Rob^t Livingston Sec^{ry}.

Maryland

The foregoing Articles are true Coppies of the Originalls
Transcribed and compared

p me John Llewelin
Clk of the Councill.

(Endorsed)

Duplicat of the Indian papers from Tho: Noteley Governor
of Maryland

Rec^d from My Lord Baltemore on the 15. April 1678.

P. R. O.
Colonial
Entry Book,
No. 105.

At the Committee for Trade & Plant^s
In the Council Chamber at Whitehall
Tuesday the 17th of Iuly 1677.

Present

| | |
|-------------------------------------|---|
| Lord Privy Seale. | M ^r Vice Chamberlaine |
| Duke of Ormond. | M ^r Sec ^{ry} Coventry |
| Earle of Craven. | M ^r Sec ^{ry} Williamson |
| Earle of Bath. | M ^r Chan ^r of the Excheq ^r |
| L ^d Bp. of London. | M ^r Speaker |
| The Lords Chiefe Iustices attending | |

p. 82 My Lord Bishop of London presents to the Committee a Memorial of abuses crept into the churches of the Plantations containing nine Articles which are all read as follows:—

1. That the Governor keep Parishes vacant and commission persons to officiate without orders.

Whereupon it is Ordered that this abuse be represented to the severall Governors of such Plantations as are under His Maj. immediate jurisdiction for redress

2. That the profits of vacant Parishes are converted by the people to their own use.

This is to be redressed by the Governors

3. That Ministers are hired for time
To bee likewise remedied

4. That the Ministers are ill paid

The Governors are in this particular to observe the Laws of
England

5. That in Mariland and other places there is noe settled maintenance for Ministers at all.

P. R. O.
Colonial
Entry Book,
No. 105.

Upon which head my Lord Baltemore is called in, and being acquainted with this particular, a copie is to be delivered his Lordship of this Article that hee may propose a meanes for the support of a convenient number of Ministers against Thursday next

And it is farther agreed that this defect ought to bee supplied in all the Plantations remaining under Propriety and that letters bee written accordingly

[Nos. 6, 7, 8, refer to Virginia and Jamaica.]

9. That noe care is taken for the passage of new Ministers.

Whereupon it is thought fit that the Governors doe provide for the expence of transporting Ministers and other charges out of the profits arising by the Vacancies.

Thursday the 19th of Iuly 1677.

p. 87

Present

Lord Privy Seale.

Lord B^p of London

Duke of Ormond.

M^r Sec^y Williamson

Marquis of Worcester.

M^r Chanc^r of the Excheq^r

There is read a letter directed to the Archbishop of Canterbury from a Minister of Maryland of the 6th of May 1676 which by a letter from his Grace had been transmitted to my Lord B^p of London complaining of the abuses in the religion and morality of the inhabitants, occasioned by the discouragement of the Protestant Ministry and want of provision for such as are conformable to the Church of England and praying that care bee taken for the establishing and settlement of the Orthodox religion as in other parts of the West Indies. After which the law of Maryland concerning Religion permitting liberty of conscience and a free exercise of service to all persons and sects professing to beleieve in Jesus Christ.

Whereupon the Lord Baltemore is called in who offers a paper declaring the present state of the Christian Religion in Maryland and the difficulty to establish any settled maintenance by law for the Ministry of the Church of England there being so few of that perswasion, among soe great numbers of other sectaries. Which being read their Lordships take notice of the fitness that a settled maintenance bee provided by an Act of the Country for a sufficient number of Orthodox Ministers, to which my Lord Baltemore seemed to consent and then withdrew.

Their Lordships doe therefore agree to write a letter to my Lord Baltemore taking notice of the scandalous way of living and desiring his Lordship to give orders that either those Laws

P. R. O. now in force be put in execution or that if they be not sufficient
Colonial to restrain it other Laws may bee enacted to that purpose.
Entry Book, And whereas there is at present noe settled allowance for
No. 105. Orthodox Ministry their Lord^{ps} will desire that Inquiry bee

made what number of Protestants that conforme to the Church of England there is at present in his Lord^{ps} Province and what allowance they would agree to settle in the severall Precincts for the encouragement of learned Ministers and that endeavours bee made to ascertain by a law of the Country, a sufficient salary for their subsistence.

That an account bee return'd from those parts of the present number of Protestant families and Congregations of the Ministers now settled there what allowances they enjoy and how many others are wanting for the supply of the whole Colony.

That their Lords^{ps} bee informed of the state of the severall religions dissenting from the Church of England in relation to the number of their adherents, teachers, settlement or provision made for their maintenance And in general of the number condition and perswasions of all the Planters. Which account the Lord Baltimore is to require from his Deputy Governor and Council and to return it to their Lordships with all possible speed

Mem^{dm} Their Lo^{ps} think fit that when allowances are settled by law in Maryland and other parts according to the abilities of the inhabitants some meanes bee found out here for the charitable supply of what shall be wanting for the subsistence of the Ministers. As alsoe the severall Governors are to find out some farther encouragement for them when they have been there some time either by assigning them lands or otherwise.

p. 92 My Lord Bishop of London represents to the Committee the ill usage of Ministers in the Plantations and their too great subjection to the Vestry men—

For the remedy whereof their Lord^{ps} think fit that the Ministers make a part of the Vestry in the regulation of all matters except in the settlement of their maintenance.

p. 93 Mem^{dm} Received this day from my Lord Baltimore Ten Acts or Laws made in Maryland and at the same time delivered unto his Lord^{ps} a letter from the Committee concerning religion and orderly living in that Colony.

p. 135

Munday 22nd October 1677.

There being presented unto the Com^{tee} severall Commissions for taking the Oaths of the Governors of the Plantations to

performe what is enacted by the Statutes made in the 12th and 15th yeare of His Maj: reigne. Their Lord^{ps} read the forme of the Oath to be so given and it was entred in the Councill Book and finding it not fully to answer the said Acts of Parliament, after some alterations agree to report in Council that it bee as followeth

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No. 105.

You shall swear that you will to the best of your skill and power so long as you shall continue in the government or command of this Plantation well and truely execute and performe and cause to be truely executed and performed all matters and things which by the Statute made in the 12th year of His now Maj. reigne Intituled an Act for the encouraging and increasing of shipping and navigation And by another Statute made in the 15th year of his said Maj. reigne intituled an Act for the encouragement of trade, You are required as Governor or Commander of this Plantation to be sworn to the performance of. Soe help you God.

Tuesday 18th December 1677.

p. 185

The Lord Baltimore attends in pursuance of their Lordships order whereby he was to returne an account of the state of Maryland in relation to the Correspondency there kept with the Indians. And his Lordship informs the Com̄ittee that the Peace with the Northern Indians bordering upon his Province has held for twenty years and is yearly confirmed by the Indians And that in this Treaty as well as in a Peace that is now making with the Cinngo and other Indians Virginia is expressly included and produces several testimonial letters vouching his assertion as also the Com̄ission and Instructions given by his Lieut. Gov: and Council to this effect. Whereupon his Lord^p being withdrawn the Committee agrees to report in Council That all due and effectual care has been taken by the Lord Baltimore to include Virginia within the Treaties of Peace made with the Indians But that their Lord^{ps} observe that the like has not been done by the Gov^r of Virginia in the late Peace concluded with the Indian Kings and Queens with their opinions That Orders be sent to Colonel Jefferys that he endeavour to comprehend the Province of Maryland and other English Colonies within the said Treaty and others which shall hereafter be made by him with the Indians.

Mem^{dm} On 26th March 1678 was rec^d the Answers of the Lord Baltemore to the Queries about Maryland p. 224

On 28th March 1678. their Lord^{ps} receive from my Lord Baltemore an Answer to Inquiries concerning Maryland p. 233

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Colonial
Papers.
B. B. p. 14

26 March 1678

Answer of the Lord Baltimore
to the Queries about Maryland.

Rec^d on the 1st of Ap: 1678

My Answer To the Enquiries sent unto
me by order of the Lords of the Comitte of
Trade and Plantations.

the: 1: 2: 3: I Answer that the said Provynce was originally Granted By his Late Maj^{tie} King Charles the first of Glorious Memorye unto my father in fee who by the said Grant thereof was created Lord & Proprietor of the said Provynce To hold to him his heires and assignes forever besydes which there is a Particular clause directing the makeing of Lawes by him and his heires by and with the advise of the ffreemen or of the Deputyes and Delegates of the ffreemen of the said Provynce To be assembled when where and in what Manner the Lord and Proprietary of the said Provynce for the tyme beeing should Thinke fitt Accordinge To which Grant Power and Direction. All the Lawes which have hitherto beene made in the said Provynce have beene allwayes made And the Lord and Proprietary of the said Provynce with the ffreemen And the Deputyes and Delegates and Deputyes of the ffreemen Thus Assembled for these purposes make the Supream Court of this Provynce. Under the name and Title of the Generall Assembly of the said Provynce Besydes which There were other Courts Constituted by my said Father and still continued as Courts of Iudicature Namely A Provinciaill Court beeing next to the Assembly of the Highest Court of Iudicature there and haveing cognizance of all causes as well relateing to Lawe as Equity and the Admiralty with Power to correct and amend the errors of all the Inferiour Courts alsoe a Court of Lawe in Everye County by the name of the County Court of each particular County and one Generall Court for the Probate of Wyls and Granteings of administrations.

To the: 4^o—No Answer can be given in particular here The Records beeing in the said Provynce & necessarily remayneing There nor could I in case I were there give any Answer which could be satisfactory or certayne without retorneing the copies of the said Records which would make up a Long and very Tedious volume For the said Generall Assemblies meete very often And the Lawes which are made are generally Temporary And to continue only for Three yeares To the end that Experience may informe us whither they will answer the ends for which they are intended And where the necessity and exigencyes of the Provynce Doe not

enforce them to make any Particular Lawes They use no other Lawe then the Lawe of England.

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To the: 5: 6: I answer as to Castles and forts there are None soe that if an Ennemy should Land there He would not fynde any place wherein he may fix himselfe Every County hath its Trayned Band the number of which are proportionable to the Inhabitants of each County for the tyme beeing and cannott be given by me here with any certaynty There is besydes Three Troopes of Horse consisting of about 180 in all which have beene of late kept on foote for the security of the Provynce since the late Rebellion in Virginia begann./.

To the: 7: I answer that I doe not knowe of any Privateers or Pirats frequenting those Coasts./.

To the: 8: 9: I answer as to the Neighbours They are either English or Indians the English neighbours knowe their owne strengths of which I cann give no Account, as to the imediate next Indian neighbours their strengths and numbers are not considerable They Lyveing under severall Distinct Governments some haveing two hundred some Three hundred some five hundred subjects and there is Generally a Good Correspondance kept with them all. The more remote Indians are more numerous but with those this Provynce hath Little correspondance nor cann it by any reasonable conjectures be guess'd what their strengths are As to the Trade of those Indians with whom the Provynce corresponds It is not considerable They are generally an Idle people who take no care for any thing But foode which they gayne by huntinge and fishing and sometymes they sell the English the skinns of such Beasts as they kill which is their only commodity that they have to sell it is not considerable.

To the: 10: I answer that the Boundaryes Longitude and Latitude of this Provynce are well described and I sett forth in a Late Mapp or Chart of this Provynce lately made and prepared by one Augustine Herman an Inhabitant of the said Provynce and Printed and Publiquely sold in London by his Majestyes Licence to which I humbly reffer for greater certaynty and not to give their Lordp's the Trouble of a Large Tedious discreption here But as to the numbers of Acres Patented and settled or unsettled It is Impossible to give any guess at them here or to have any probable acco^t of them In case I were there Otherwise then by causing a review of all the Grants which have passed and which would require a Great Tyme and charge and a greater number of Persons so employed therein then cann be easily procured.

To the: 11: 12: I answer that the principall place or Towne is called s^t Maryes where the Generall Assemblye and Provinciall Court are kept and whither all Shipps Tradeing there

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doe in the first place Resort But it cann hardly be call'd a Towne It beeing in Length by the Water about five Myles and in Breadth upwards towards the Land not above one Myle in all which space excepting only my owne house and Buildings wherein the said Courts and Publique Offices are kept There are not above Thirty houses and those at considerable distances from each other and the buildings (as in all other parts of the Provynce very meane and Little and Generally after the manner of the meanest farme houses in England Other places wee have none That are called or cann be called Townes. The people there not affecting to build nere each other but soe as to have their houses nere the Watters for conveniencye of trade and their Lands on each syde of and behynde Their houses by which it happens that in most places There are not ffifty houses in the space of Thirty Myles And for this Reason it is that they have beene hitherto only able to divide This Provynce into Countyes without beeing able to make any subdivision Into Parishes. or Precincts which is a Worke not to be effected untill it shall please God to encrease the number of the People and soe to alter their Trade as to make it necessary to build more close and to Lyve in Townes/.

To the 13: I cannott answer Otherwise Then by referring to the Printed Mapp before mencōned/.

To the: 14: I answer that the only considerable Comōdity of this Provynce is Tobacco and perhapps they will never be able to fynde any comōdity for Trade which cann ever bring soe great an advantage to the Crowne of England in poynt of coustomes as this comōdity brings. The Coustomes thereof due to the Kings Majesty amounting (soe nere as I cann guess) unto more then 40000^{lb} paid which is more Then Double the value for which the said Comōdities is sold by the Planters I knowe of no Other Comōdity of the Production groweth, or Manufacture of this Provynce Except some few skinns of Beasts sometymes bought from the Indian Neighbours which are not considerable. Nor of any Materialls there groweing for shipping or any to be produced unless the Planters should fynde it more for their profit to sowe Hempe Then Tobacco The comōdities Imported there are all Manner of Cloaths & other necessaryes for weareing as also Iron Tooles All which are given in Exchange for Tobacco soe that generally speakeing the value of what is Imported aryseth to be nere the value of what is exported. All which may be best knowne from his Majestyes coustome houses in England. Where entreyes are made as well of what is exported from England to this Provynce As of what is Imported from thence into England.

To the: 15: I doe not knowe of any salt peter produced or
produceable in this Provynce.

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As: to the: 18: 19: 20: 26: & 27: All that I am able to
answer is first That whereas in many other parts of America
They refuse (out of covetousness) to permitt their Negros and
Mulatto's to be Baptised Out of an Opyinion That Baptisme is
a Manumission from their services and consequently the same
thing as to the Dammage of the Masters and Owners as if
their said servants were actually Dead.—And this Opyinion
beginning to take place in this Provynce a Law was made to
encourage the Baptizeing of them By which it was and is
declared That as in former tymes The Baptizeing of Villaynes in
England was not taken by the Lawe of England. To be a
Manumission or Infranchiseing of the Villaynes soe neither
shall it be in this Provynce as to Negroes or Mulattoes and
there have been found good effects from this Lawe all Masters
generally since the makeing of this Lawe haveing beene
willing to Instruct those kynde of Servants in the fayth of
Christ and to bring them to desyre and receive Baptisme.
Secondly that haveing as yett no farther Division of the said
Provynce Then into Countyes Nor in Truth any possibility of
makeing as yett any farther subdivisions into Parishes for the
Reasons before given There is no way to be found to make
calculations to satisfy theis Inquiryes (in case I were upon the
place) without takeing a very great tyme And makeing such
scruteinyes as would certaynly either endanger Insurections or
a Generall Dispeopleing of the Provynce w^{ch} is at present in
great peace and Quiett all persons there beinge secured to
their content for a quiett enjoyment. Of every Thing that they
cann Reasonably desyre. The Reason why such scruteinyes
would be thus Dangerous is that viz^t That at the first planteing
of this Provynce by my ffather Albeit he had an Absolute
Liberty given to him and his heires to carry thither any Persons
out of any the Dominions that belonged to the Crowne of
England who should be found Wylling to goe thither yett
when he came to make use of this Liberty He found very few
who were inclyned to goe and seat themselves in those parts
But such as for some Reason or other could not lyve with ease
in other places And of these a great parte were such as could
not conforme in all particulars to the severall Lawes of
England relateing to Religion Many there were of this sort of
People who declared their Wyllingness to goe and Plant
themselves in this Provynce soe as they might have a Generall
Toleraccōn settled there by a Lawe by which all of all sorts
who professed Christianity in Generall might be at Liberty to
Worshipp God in such Manner as was most agreeable with
their respective Iudgm^{ts} and Consciences without being subject

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to any penalties whatsoever for their soe doing Provyded the civill peace were preserved And that for the secureing the civill peace and preventing all heats Feuds which were generally observed to happen amongst such as differ in oppynions upon Occasion of Reproachfull Nicknames and Reflecting upon each Others Oppynions It might by the same Lawe be made Penall to give any Offence in that kynde these were the condicōns proposed by such as were willing to goe and be the first planters of this Provynce and without the complying with these condicōns in all probability This Provynce had never beene planted. To these condicōns my ffather agreed and accordingly soone after the first planteing of this Provynce these conditions by the unanimous consent of all who were concerned were passed into a Lawe and the Inhabitants of this Provynce have found such effects from this Lawe and from the strict observance of it as well in relation to their Quiett as in Relation to the farther peopleing of this Provynce That they looke on it as that whereon alone depends the preservation of their Peace Their Propertyes and their Libertyes This beeing the true state of the case of this Provynce it is easy to Iudge what consequencyes might ensue upon any scrutinyes which should be made In Order to the satisfyeing theis particular Inquiries./

To the 16: 17 & 21: I cann give no particular answer only in Generall All the Planters in Generall affects the style of Marchants because they all sell Tobacco And their cheife Estates consists in the numbers of Their Servants who serve generally but for five or six yeares and then become Planters and call themselves Merchants but generally they are poore Their comodity (which is only Tobacco) not selling for more then One Penny p pound weight. Touching the numbers of Masters or Servants I cann give no probable guess nor of the numbers Imported for any tyme certayne only those that doe come are generally English or Irish and very rarely any one of any other Nation./

To the: 22: No certayne Answer cann be given here. Nor is any certayne Answer to be given of the number of Vessells Tradeing Thither the same beeing very uncertayne as also their Burthens only that there are not any of the Built of this Provynce and generally all vessells comeing thither (except some few small Vessells which sometymes come from New England or some Other of our English platacōns) come from England and retorne thither againe soe that the only certayne course to knowe numbers Qualityes and Burthens Is by an Enquiry at the severall Ports of England where entries are made of them./

To the 23: &: 24: I Answer that the greatest Obstruction of the Trade of this Provynce is what the late Acts of Parlia-

ment made in England for Navigation have occasioned, the removing of which is not to be expected untill it be for the Interest of England to remove them./

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To the: 25: As to what is by this enquired of I doe not conceive that their Lord^{ps} Intend there by to make an Enquiry into or to expect from me a Particular of my Owne Rents and of what is my particular Property and Revenue And therefore taking This to be Intended only of publique Rates I answer that All things of Publique Rates are Layd by the Generall Assemblies when they meete (which is comonly Once in every yeare) at which tyme they consyder of what is fitt to be rayseed for the Publique And of the wayes how to rayse the same. And they are all wayes carefull to Measure theis things with great strictness according to the Occasions which from tyme to tyme require the same. And theis Occasions beeing allwayes various and uncertayne It is impossible for me to give any certayne Acco^t of them or of their various applicacōns./

London the 26th March 1678.

Ch: Baltemore.

A Proclamation in Maryland of a Peace
with the Indians Rec^d from My Lord
Baltemore on the 15th of April 1678.

p. 15

By the L^t Gen^l
a Proclamation

Whereas by the meanes care & Endeavo^r of the Hon^{ble} Coll: Henry Coursey by me (in behalf of the R^t Hon^{ble} Charles Lord and Prop^{ty} of this Province) thereunto authorised appointed & Commissionated und^r the great Seale of this Province there is a Peace lately had made and concluded on at ffort Albany within his Roy^l Highness's Territory of New York between his Maj^{ties} Subjects of this Province and the Dominion of the R^{ht} Hon^{ble} Charles &c., aforementioned his Maj^{ties} Subjects of Virg^a and the Severall Nations of Indians hereafter nominated (to say The Sinnondowannes, Cajouges, Onnondages, Onneydes, Maques, and Mattawass or Delaware Indians. To the End therefore that the same may be Effectual ffirm Solemn and of long Continuance and that all his Maj^{ties} loving Subjects both of this Province and of the Collony of Virg^a may reape the good and benefitt thereof I do hereby and with the advice and consent of his Lpps: Councell will and Require as also strictly charge and command, all and singular his Lopps: Officers civill and military within this Province and others the good People of the same to take due cognisance of such Peace made and concluded on as aforesd. and that from hence forwards they offer no violence or injury to or use any Act of

P. R. O. hostility against the sd Nations of Indians or any of them, but
Colonial that at all times and upon all Occasions they maintain and
Papers. keep a friendly & neighbourly correspondency wth all and
B. B. every the said Nations of Indians and treat them civilly and
courteously as friends and Neighbours, giving them noe just
Occasion of Offence whereby a breach may ensue. Given at
St Maries und^r the great Seale of this Province the 5th day of
Octob: in the Second yeare of the Dominion of his sd Lopp
Charles &c^a: over this Province Annoq. Dmni 1677

Was signed Thomas
Notley

Vera Copia pene Iohn Llewellyn.
Clk of
the Councill.

p. 17

Maryland the 14th July 1679.

Mr Blathwait,

I was very happy to receive your letter of the 1st of January which brought me a Coppy of the Inquiries I desired, for which I returne you my kind thanks, and should be glad of a good occasion to serve you either here or else where. I have for your divertisment here inclosed a Coppy of an Act of Assembly lately passt in Virginia for their security against the Incursions of the Northerne Indians, who dayly infest them, and causeth me to apprehend some mischeifes from them, but as yett Maryland hath received no prejudice by them: You may please to remember that I left with you some papers relating to a peace made by Maryland with the Northerne Indians, and made for the Inhabitants of Virginia as well as for Maryland, it is with the Indians they now have all this trouble, that peace being violated the last summer by some indiscreet or rather mad men of the Colony. It would be to long to give you the whole occasion of this business, and therefore I will refer that until I have the happinesse to see you. By these Acts I herewith send you, it may be perceived how they precipitate their business, takeing no very great care in the penning of other laws, many things being mentioned in this great law for the defence of their Colony which in my opinion no wise becomes the grandeur of an Act; but perhapps I may have gon to far and given you to much trouble, for which I beg your pardon, and that you'll beleeve me to be, as by many obligations I already am made by you dear Sir

Your most affect^{ate} friend and servant
C. Baltemore

My most humble service to Sir Rob^t Southwell and his Lady I would have writt to him, but that I apprehended it might have given him to great a trouble. C. B.

(Endorsed)

For Mr William Blathwayt at Sir Rob^t Southwell's office
nere White Hall. London.

P. R. O.
Colonial
Papers.
B. B.

14th July 1679. From my Lord Baltemore

Rec^d the 30th October 1679. To Mr Blathwayt. With a
Copp^y of the Virginia Laws. Memd^m a Duplicate of this was
received at the same time from Mr Gilbert.

A Memd^m touching the Government of Maryland.

p. 19

Maryland.

That my Lord coines money of which he has received a
12^d 6^d 3^d

No oath of allegiance taken but an oath to the Proprietor.

All tryalls in the Proprietor's name and not in the king's.

Writts sent out in the Proprietors own name in the words
To our Trusty and Welbeloved in such a year of our Dominion.

At the Committee of Trade & Plantations
In the Council Chamber at Whitehall
Munday the 14th of June 1680.

P. R. O.
Colonial
Entry Book,
No. 106.

Present

Lord President. Bishop of London
Duke of Albemarle. Mr Sec^y Jenkins
Sir T. Chicheley

The Petition of William Penn referred by an Order from p. 173
the Earl of Sunderland of the first instant is read, praying in
consideration of debts due to him or his father from the Crown
to grant him Letters Patents for a Tract of land in America
lying north of Maryland on the East bounded with De la Ware
River on the west limited as Maryland and northward to extend
as far as plantable, Whereupon Mr Penn is called in and being
asked what extent of land he will be contented with northerly
declares himself satisfied with three degrees to the Northwards
and that he is willing in lieu of such a Grant to remit his debt
due to him from his Ma^y or some part of it and to stay for
the remainder until His Maj. shall be in a better position to
satisfy it.

Upon the whole matter it is ordered that copies of his
petition be sent unto Sir John Werden in behalfe of his Royal
Highness and unto the Agents of the Lord Baltemore to the
end they may report how far the pretensions of Mr Penn may
consist with the Boundaries of Maryland or the Duke's Pro-
priety of New York and his possessions in those parts.

P. R. O.
Colonial
Entry Book,
No. 106,
p. 178

Fry-day 25th June 1680.

The petition of M^r Penn is again read concerning a tract of land to be granted him in America together with a letter from Sir John Werden & another from the Lord Baltemore's Agents touching the same And M^r Penn being afterwards called in, is told that it appearing by Sir John Werden's letter, the part of the Territory desired by him is already possessed by the Duke of York, he must apply himself to His Royal Highness for adjusting their respective pretensions And M^r Penn being also acquainted with the matter of the letter from the Lord Baltemore's Agents he does agree that Susquahannough Fort shall be the Bounds of the Lord Baltemore's Province And as to the furnishing of arms and ammunition to the Indians M^r Penn declares himself ready to submit to any restraint their Lord^{ps} shall propose.

p. 228

Thursday the 4th of Nov^r 1680.

Upon reading a letter from Sir John Werden dated 16th of October concerning the grant of land in America for which M^r Penn has petitioned his Maj. Their Lordships do further order that M^r Attorney General and my Lord Baltemore's Agents have the sight of the draft of a Patent now presented to the Com^{it}tee by M^r Penn.

p. 243

Thursday 16th of December 1680.

M^r Penn is called in concerning the Patent desired by him and upon reading the letters from Sir John Werden touching the Boundaries wherein his Royal Highness may be concerned, their Lord^{ps} think it best for the settlement thereof that Sir John Werden be desired to attend on Saturday next in the afternoon At which time the Agent of the Lord Baltemore is likewise ordered to give his attendance as to what concerns his Lord^{ps} Propriety of Maryland.

p. 248

Saturday 15th January 1680-I.

The Boundaries of M^r Penn's Patent settled by my Lord Chief Justice North with the alterations of Sir John Werden are read and approved And their Lord^{ps} appoint Wednesday next at 9 in the morning to review the whole Patent.

p. 249

Saturday 22^d January 1680-I.

Upon reading the draft of a Patent for M^r Penn constituting him absolute Proprietary of a tract of land in America northerly of Maryland The Lords of the Committee desire my Lord chief Justice North to take the said Patent into his consider-

ation and to provide by fit clauses therein that all Acts of Sovereignty as to Peace & Warr be reserved unto the King and that all Acts of Parliament concerning trade and Navigation and his Maj. customes be duly observed And in general that the Patent be so drawn that it may consist with the King's interest & service & give sufficient encouragement to Planters to settle under it

P. R. O.
Colonial
Entry Book,
No. 106.

Letter to the Lord Baltemore about M^r Penn.

No. 52, p. 83

2 April 1681.

Right Trusty and Welbeloved we greet you well Whereas by Our Letters Patents bearing date the 4th day of March last past Wee have been graciously pleased out of our Royall Bounty and the singular regard We have to the merits and services of Sir William Penn deceased to give and grant to Our Trusty and Welbeloved Subject William Penn Esq^{re} Son and heir to the said Sir William Penn a certain Tract of Land in America by the name of Pensylvania, as the same is bounded on the East by Delaware River from twelve miles distance northward of New Castle Towne unto the 43th degree of Northern Latitude, if the said River doth extend so farr Northward, and if the said River shall not extend so farr Northward then by the said River so farr as it doth extend, and from the head of the said River the Eastern Bounds to be determined by a Meridian Line to be drawn from the head of the said River unto the said 43th degree; the said Province to extend westward five degrees in longitude to be computed from the said Eastern Bounds, and to be bounded on the North by the beginning of the 43th degree of Northerne Latitude and on the South by a Circle drawn at twelve Miles distance from New Castle northward and westward unto the beginning of the 40th degree of northerne Latitude and then by a straight Line westward to the limit of longitude above mentioned as by our said Letters Patents doth particularly appeare, and to the end that all due encouragement be given to the said William Penn in the settlement of a Plantation within the said Country, Wee do hereby recommend him his Deputies and Officers employed by him to your friendly aid and assistance willing and requiring you to do him all the Offices of good neighbourhood and amiable correspondence which may tend to the mutuall benefit of Our Subjects within Our Province under your respective proprieties. And more especially We do think fitt that in order hereunto you do appoint with all convenient speed some person or persons who may in conjunction with the Agent or Agents of the said William Penn make a true division and separation of the said Provinces of Maryland and Pensylvania

P. R. O. Colonial
Entry Book,
No. 52. according to the bounds and degree of Northern Latitude
expressed in our said Letters Patents, by setting and fixing
certain Land Marks where they shall appear to border upon
each other for the preventing and avoiding all doubts and
controversies that may otherwise happen concerning the same.
And We &c.

Whitehall April the 2^d in the 33^d year of Our Reign.

By his Majesty's command
Conway.

[Baltimore to the Earl of Anglesey?]

28^o of April 1681.

P. R. O. My good Lord

Colonial
Papers.

I have been very troublesome by 2 letters that I have already
presumed to send your Lo^p this Returne of Shipping. And
am now constreyned to be yet further by this which comes
humbly to beg your Lo^{ps} favor and just assistance in moving
to his Ma^{ty} in Councill the removing of one Christopher
Rousby a Collector here; and that he that is my Collector
may have a Comision for the additionalle duty of a pennyp
pound, who will be able to serve his Ma^{tie} and be more faithfull
in the discharging of that place In Virginia those that are his
Ma^{tie} Collectors are the same that Collect the Country Dutys
there and when I was in England Sir George Dowring did move
to have my Collector made choice of to serve his Ma^{ty} here
but I haveing recommended this Rousby about five yeares
since to the Commissioners to succeed me in that place (for in
my fathers life time I was Collector for his Ma^{tie} here) I per-
suaded Sir George Dowring to permit the said Rousby to
continue untill the Commissioners or I had just cause to except
against him which for these Two years and better I have had
great cause for and have sent Letters Two yeares to the Com-
missioners about the removing of him and appointing one that
collects my Dues but by the meanes of this Knave Rousby my
Letters have been stopt and never came (as I imagine) to the
hands of the Commissioners for had they come safe to them I
should have received their answers to them I now send againe
hoping by your Lo^{ps} favor and assistance to be relieved from
so great an Evill or rather a Devill for so I may terme the
present Collector to be A Fellow that ever since my Returne
to Maryland has carried himself with that Pride to severall
West Country and New England Traders and Dealers in my
province that many of them have quitted a Trade they have
long had here He has imposed fees exacted presents seized
and brought severall Masters in Trouble, notwithstanding they
have produced their Cleerings at his Ma^{tie} Custame Houses in
England, And all this to force them to comply with his unjust

Demands, he forewarns Masters of Vessells to make any Entry with my Collector untill they have paid their Duty (as he termes it to himself nor will he permit any Master to bring their Certificates of Bond given in England to my Officer or indeed to me, notwithstanding the Acts for Navigation Trade and other Acts which do absolutely comand all Masters to present themselves to the Governor of the place where they come and that to be done within 24 Houres after their arrivall in any Government and are also by those Acts to give in to the Governor an Account of their Ship or Vessell with the number of their Seamen of what nation they are and a true and perfect invoice of their Lading And if the Governor (who by these Acts is commanded under heavy penaltys to require this from every Master of ship or Vessell) should neglect his Duty comanded by those Acts he forfeits a Thousand pounds and is rendered incapable for ever after of any office and Employment. So that My Lord I being proprietor here and may therefore be looked upon as Governor whilst I am in person here am in danger to be brought into Trouble by the unwarrantable proceedings of this insolent and Knavish Collector here who presumes dayly to Nose me and my Government with powers which he pretends to have from his Masters the Commisioners wherein he abuses them as he has greatly injured severall Masters that have traded here, and is become so insolent in his Carriage to me and my Government, that I am forced to be an humble suitor to your Lo^{ps} to move the King and Councill that this Disturber of the Trade and peace of my province may be speedily removed or I must certainly expect that many Dealers and Traders to my province will leave this Government not only to my great Detriment but to the apparent Diminution of his Ma^{ties} Revenue for if Masters of Ships and Vessells are thus discouraged by the insolence and Knavery of a Collector, much Tobacco will be left in my province. and may also cause the inhabitants to mutiny when they see ships and supplys go from hence to another Government by reason of an idle officer whose dayly expression is, that he matters not what prejudice he brings to his Majestie or his Subjects here so he but advances his Fortune by it he has been so insolent as to send me Answers to this effect, when I have ordered my officers to call him to an account for his exacting fees for entering and cleering ships and vessells which are only due to my Officers and settled by the Laws of my province My Lord Besides the Knavery he dayly practices amongst the Shipping he is become the most lewd debauched swearing and most prophane Fellow in the whole Government and indeed not fit to be admitted into Civill society a Rogue in his heart and expressions towards his Majestie and is impudent to publish his hatred to Kingly

P. R. O.
Colonial
Papers.

P. R. O. Government aboard all ships wherever he goes, and by his
Colonial ill Example Comanders of London Ships are grown to that
Papers. height of presumption that Treason is become their frequent
discourse aboard their Ships and especially at Rousbys house
where the Comanders of London ships are much treated.
Should I endeavour to enumerate the severall Knaverys
and Villanies of this Fellow I should weary your Lo^{ps} patience
and become more troublesome than I am willing to be I will
therefore cease for the present humbly begging your favor and
Iustice to ease me and my Government by the removall of this
pernicious person out of office here and that my Collectors may
serve his Ma^{tie} and it shall be my care as it is my Duty to see
his Ma^{ty} Dues faithfully collected by my officers and that an
account be given of their performances to the Commisioners.
In this your Lo^{ps} will be highly kind to your servant & you will
have the prayers of many of his Ma^t good Subjects Ever
begging your Lo^{ps} pardon for what I've now writt and that I
may be owned as I am

My good Lord

Your Lordships most faithful obedient & humble servant
C Baltimore.

B. B., p. 27

26 May 1681.

Hond Sir

Since my last to you by Capt Sam^{ll} Groome in which I gave
your Honor a full and particular accompt of the Estate of your
affaires here in Maryland as well of what hath been done since
my coming hither what is amiss and what wants doing and
what is wanting for the full Remedies here is come in four
ships from England Vid^t The Freemen of Leverpoole Edward
Tarleton Comander, The St George of London Capt Shep-
hard Comander The Dolphin of Poole Dennet Comander
and another ship whose name and master I can't yet learne all
which have brought Certificates of being bound for Ireland as
well as England, Wales or Berwick notwithstanding w^{ch} (The
act restraying the word Ireland in all bond be now out) I humbly
conceive that still by the act for the better securing the Plan-
tacon Trade The Plantacon duty is neverthe less due and
payable Soe I forthwith when I had the first sence of it Went
to West Wighcocomincea about 37 miles from hence and
demanded the duty of the Comander of the St George he
having begun to loade who told me would do nothing in the
matter but referred me to the Governor so I returned the next
day to Patuxen at which time the said Dolphin of Poole was
come in there I went on Board and got sight of his Certificate
my Lord having (as is frequently granted by him and his
officers) given it him again. So that I believe they many times

make them serve the next year, I finding him bound for Ireland told him by the Law for the better securing the Plantacon Trade He must notwithstanding his giving such bond in England still pay the Plantacon duty he told me he would go on shore with me and give satisfaction, but goes to my Lord who presently orders him to set sayle for his Lading Port and as I hear hath promised to defend him and save him harmless: I seeing him gonn and then dodge me I went to wayte on my Lord about it and shewed him that the duty was due and prayed his ayde and assistance but he seemed teased and angry with me that I concerned myselfe with them and refused all assistance and told me I should not medle with them I wayte on him three severall times and argued all points of the matter but nothing would induce him to assist me in it. At last he ordered me to appeare before the Councill at Saint Maryes which I accordingly I did where in his Ma^{tie} name I prayed the ayde of the Province that I might levy his Ma^{ties} Duty or make Seizure of the Goodes for that I was Satisfyed that by that law then shewn to them it was due, who absolutely refused it and told me I should not medle with them for that I had nothing to doe there with. these four ships will carry about 1800 or 2000 hheade of Tobacco at the least and at least 2500^{lbs} sterling in the Plantacon duty, And in severall and most of other matters we are hindred the due Execution of our duties in our Office and perticularly in mine in which I find business enough to be done and matter enough to go upon if I had full Authority to act with out Interruption as they do in England although Severall persones have despised and layd down the Employment yet I find that with Authority and well management it may be made a good Employment which main Impediment hath hitherto been the discountenance of the Government so that those things and this great affaire now happening hath greatly daunted me, and the matter w^{ch} Incouraged me to come hither was this that I saw by the dying of that Act which is wholly ruined and cutt off by our Governor so that I have nothing to do but to wayte on your Hon^r for remedy here are soe many things out of order that I cannot express and write them to you I hope your Hon^r will find me out remedy in this great Loss susteyned by our Governor for I had spent even all to be at the charge of Wayting on you and coming over and to be there Overbourned is most grievous P. S. I understand my Lords three sonnes in Law and our secretary are the chief acters and have most of the concernes of these Ships freight and that the Ships stayed so late on purpose to bring such certificates with them and that at first they might have it soe pass by way of Ignoramus

P. R. O.
Colonial
Papers.
B. B.

P. R. O. and that none would take notice of it I humbly subscribe
Colonial myselfe
Papers.
B. B.

Your Hon^r most humble and
faythfull Servant
Nich: Badcock.

Patuxen 26 May. 1681.

For the Counsell
Read 10 Dec 1681

M^r Badcock surveyor
to the commissioners of customes Maryland.

p. 21 Deposition of M^r Vincent Lowe against Christopher Rousby.
6th June 1681.

Some day in April last past I went to M^r Christopher Rousby's house and finding him att home we fell into some discourse of the affaires in old England, and att that time the said Christopher Rousby shew'd unto me severall news books, which he had lately received from thence, and after I had perused some of them I told the said Rousby, I perceived that the King of England did in all his speeches much insist upon this point; that the succession of the Crowne should continue in the right Line, and that the King stuck very close to his brother the Duke of Yorke, and the said Rousby made answer, and said so he did, and then I spoke further to the said Rousby, that his Majesty could do no less than take the Duke of Yorke's part, being his Brother, and that nature did oblige him to it, and then, the said Christopher Rousby clapt his hand upon his breast, and said it was not nature that caused it, but he beleived that the King was of the same opinione in his heart in point of perswasion that the Duke of Yorke was of. And after this the said Rousby and I were discourseing touching the bill that were prefer'd in the House of Parliament in England to disable the Duke of Yorke to inheritt the Emperiall Crowne of England and I told the said Rousby I heard my Lord of Halifax was much against it, and then the said Rousby made me answer, that greate men were greate knaves and turne Coates, and begun to pisse backwards.

Sworne to by M^r Vincent Lowe this 6th of June 1681. before me

C. Baltemore.

p. 20 Letter from the L^d Baltemore to the Earl of Anglesey.

7th June 1681.

My Noble good Lord,

I have already presumed to write twice to your Lordship in relation to one Christopher Rousby, who (I desired) might be

removed from his place of Collector for his Maj^{tie} in Maryland; he having been a great knave to the king, and as great a disturber of the Trade, and Peace of my Province. I am now bold to send herewith to your Lordship a writing sworne to by one of my Councill, by which it will in some measure, appeare to your Lordship what ill principles this Rousby is of, and how seditious, and wicked he is in his common discourses; this being the least matter, in that kind, he is guilty of, For I dare affirme that he is as great a Traytor in his heart to his sacred Majestie as is this day liveing Since this Rousby went for England one Badcock, a Surveyor for his Majesty here, came about a fortnight agoe to acquaint me that though some Masters of Vessells from Poole and Lever Poole (which lately arrived in my Province) had brought certificates of bonds to carry their ladeing of Tobacco to England, Ireland &c: (the Act for nine years, w^{ch} excepted Ireland, being some time since expired) yett such Masters ought and were obliged to pay the penny p. pound here afore they could be permitted to cleer with my officers. To this I gave answer, that I was sensible Ireland was now open; and that since at London, Bristol, Poole and Lever Poole such Bonds were taken by the Officers of those ports (as by certificats, produced here, appeared to me they had taken), I thought it a sufficient Rule for me, and my Officers to walke by, and therefore told the said Badcock I would not suffer him to molest any Masters, that had such certificats, unless he could affirme, they were counterfeited, and so unduely had; w^{ch} he durst not say they were; and yett he had the impudence to tell me afore some of my Councill, that he would complaine to the Com^{rs} of the Customes, that I hindered his discharging his office; when, my Lord, I was satisfied, his intent was only to cheat the Merchants concerned in those vessells of soe much money as a penny p. pound would have come to; for his Maj^{ties} duty was secured by the Bonds given at Poole and Lever Poole, which Bonds this Badcock did own to be legally taken, and the Certificates, produced here to be good. By this your Lordship may see what hungry indigent fellows are appointed to serve his Maj^{tie} here, such as would dishonour the king, cheat his subjects and drive all manner of Trade out of my Province, if they were permitted to act thus at their will and pleasure. Good, my Lord, lett me beg the favour that you'll please to procure that such dissolute fellows may be removed out of office for his Maj^{tie} here and that the Comm^{rs} of the Customes may be required to appoint some persons of good estates and Livers in my Province to serve the King here; for such will be carefull to discharge their Trust faithfully, and will also have some respect to the Govern^{mt}

P. R. O.
Colonial
Papers.
B. B.

P. R. O. they live in. Herein your Lordship will lay infinite obliga-
Colonial cōns on
Papers.
B. B.

My Lord your Lordship's
most faithfull, obedient, humble servant
C. Baltemore

(Endorsed)

Rec^d Oct. 1: 1681. by his Agent in towne
For the Right Hono^{ble} the Earle of Anglesey, Lord Privy
Seale of England.

these most humbly present

In drury Lane

p. 26

At the Court at Hampton Court
the 30th of June 1681

By the Kings most Excellent Maj^{tie} and the Lords of
the Ma^{tie} most Honorable Privy Councill.

Upon reading this day at the Boord a Letter of the 28th of April last, from the Lord Baltemore Lord Proprietary of Maryland to the Right Hono^{ble} the Lord Privy Seale Setting forth the insolent and unwarrantable Proceedings of Christopher Rousby the Collector there tending greatly to the discouragement to the Trade, Diminution of his Ma^{tie} Customes and disturbance of the Peace and Quiet, of that Colony, as by a Copy of the said Letter hereunto annexed, at large appears, It was Ordered by his Ma^{ty} in Council that it be and it is hereby referred to the R^t Hono^{ble} the Lords Commisioners of the Treasury to cause the Matters alleaged against the said Rousby to be examined, And if they shall find just cause to remove him from the said Employment and to give such Order for setling the collecting of his Ma^{ty} Dutys there for the future as their Lo^{ps} shall judge most advantageous for his Ma^{ty} service and the Good of that Colony

John Nicholas.

p. 22 Letter from the Lord Baltemore to the Earl of Anglesey.

July 19th 1681.

My Noble good Lord,

I should not presume to offer your Lordshipp the trouble of peruseing these lines, did I not hold myselfe obliged to lett your Lordshipp understand in short the present estate and condition both of Virginia and Maryland in relatione to some Northerne Indians, that are lately come down into both Colonies; who have committed outrages and murders in both Governments. These Northerne Indians pretend no designe of mischief towards the English, but tell us they're resolved

to destroy all our neighbouring Indians; whome, when they've subdued, conquered and destroyed, I believe their next designe will be against the Inhabitants of both these Colonies, whose stocks of Cattle and hoggs they already make bold with, and especially in Virginia where these Savages kill and destroy hoggs and Cattle afore the faces of the Owners of them; and if the English make any opposition, they're immediately fired at by these villians, and upon the like occasion, were five men and a woman killed about a month since in Maryland. Upon these disturbances given us by these heathen rogues, some evill ill disposed spirits have been tampering to stirr up the Inhabitants of Maryland and those of the north part of Virginia to mutiny, of which I haveing notice, as also being, certainly informed who were the chiefe contrivers, and carriers on of the designe I imediately sent orders for the apprehending one Josias Fendall and John Coode, two Rank Baconists; the first of these was some twenty yeares since my Father's Lieut. Governor here; but upon his breach of trust and beginning a Rebellion here he scaped the Gallows very narrowly; since then and in the time of Bacon's Rebellion in Virginia it was expected every day when he would have fallen in with him; and had there not, by the vigilancy, care and resolution of my Lieut^a Tho: Notley now deceased, been a stop put to the Rebellion here in Bacon's time, this Fendall had certainly joined with Bacon, and then Maryland had been imbroiled and ruined as Virginia was. The Encouragement this fellow had now to lay this wicked designe, was the hopes, and confidence he had that upon his Maj^{ties} meeting his Parliament there would be such differences, as would occasione civill warrs, and that then there would be no establisht laws in England, and so he and his crew might possess themselves here and in Virginia of what estates they pleased. This Fendall has a great influence on, and interest in most of the Rascales in the North parts of Virginia where he was for some time when he was forced to absent himselfe from Maryland and at that time I gave notice to Sir Henry Chicheley to sett eyes over him, the same notice I gave to Coll: Nicholas Spencer secre^r of Virginia but I feare the latter either through want of resolution, or loyalty did not prevent (what he might) the seditious practices of this Rebell; and I may the more boldly affirm this, since formerly and but few days afore my apprehending this fellow, he had openly entertained and cherisht this Rascall in his house: which gives me cause to be confident that he has encouraged Fendall in his designes against Maryland; forgetting, or (as I suppose) not considering that a defection in my Government may raise an other Bacon in Virginia the people there being as ripe and ready for another Rebellion as ever they were; and I know

P. R. O.
Colonial
Papers.
B. B.

P. R. O. Colonial Papers. B. B. not, but one of the two, I've caused to be apprehended, might have served their turne. My Lord, if his Ma^{tie} please not to send in some loyall active person to command under Sir Henry Chicheley (who is now superannuated) very speedily, the Government of Virginia will be in danger: I pray God Secre^t Spencer be owner of so much Loyalty, as to deserve the trust, and dignity now confer'd on him: Had I the honor to be one hour with your Lordship, I could give your Lords^p satisfaction in some things, relateing to his Ma^{ties} service, which I dare not commit to paper in this juncture. I therefore humbly beg your Lords^ps pardon for breaking in upon you with this fresh trouble, afore I've expiated the rudeness of my former addresses with some evidence of my being as by infinitt obligacōns I am

My Good Lord your Lordship's

Most faithfull, obedient & humble servant

C. Baltemore.

19th July 1681.

I humbly beg that the Countesse of Anglesey will permit the tender of mine and wife's most humble service to her.

(Endorsed)

For the Right Hono^{ble} the Earle of Anglesey,
Lord Privy Seale of England.

In Drury-lane
humbly present
London

PROCEEDINGS
OF THE
COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

HIS LORDSHIP IN PERSON,
Governor.

1681-1685.

London 16th 7^{ber} 1681.

P. R. O.
Colonial
Papers.
B. B., p. 44

My Friends.

I hope I doo not improperly call you soe because in being soe you will Extremely befriend your selves as well as performe an act of Duty to the King and Justice to me. I am Equally a Stranger to you all but your being Represented men of Substance and Reputation in your part of the Bay which I presume falls within my Patent I chose to take this opportunity to begin our acquaintance and by you With the rest of the People on your Side of my Country and doe assure you and them that I will be soe farr from taking any advantage to draw great Proffets to my selfe that you shall finde me and my Government Easy free and Just. And as you shall Study to be faire and Respectfull to me and my Iust Interests I will not be short of giving you all Reasonable assurances on my Part that I will live Kindly and well with you and for this you have my word under my hand. I think fitt to Caution you (if within my bounds as I am ready to Believe but I desire no more then my owne) that none of you pay any more taxes or Sessments by any order or Law of Maryland for if you doo it will be greatly to your owne wrong as well as my Prejudice, though I am not Concious to my Selfe of such an Insufficiency of Power here with my Superiors as not to be able to wether that Difficulty if you should. But the opinion I have of the Lord Baltimore Prudence as well as Justice and of the Regard to your owne Interests and future good of your Posterity, makes me to waive all objections of that Nature and to hope we shall all doe the thing that is Just and honest (which is allwaies wise) according to our Respective Stations I have noe more to add, but my good wishes for all your happiness, and that by the help of Almighty God next Spring you shall have some testimony of my best Endeavours to Contribute towards it as becomes my duty to God to the King and to their people I am

Your Reall friend
W^m Penn

Pray salute me to all your Neighbours.

For James Frisby, Edward Jones
Augustin Harman, George Oldfield
Henry Ward and Henry Johnson at
their Plantations In
Pensylvania.

P. R. O.
Colonial
Papers.
B. B.

(Indorsed)

Received inclosed from Lord Baltimore Ap 24 1682.

Copy of a letter from M^r Pen to Frisby Jones and others

p. 29 The Case of Christopher Rousby Collector of his Maj^{ties}
Customes in Maryland.

The Lord Baltimore intending noe person should be employed in his Ma^{ties} Customes in Maryland but his owne Creatures or Relacōns that have their sole dependance upon him, and designing to procure the offices of Collector and Comptroller there for 2 of his Sonnes in L^{aw}, hee formed severall Letters of Complaint against Christopher Rousby Collector and Mich^o Badcock comptroller (since deceased) to gett them turned out of Commission and his said sonnes in Law putt in their places. Viz^t

Vide the Letters
from his Löpp
to the Com^{rs} of
the Customes
Dat 29 Aprill
1681. 7. June
1681.

First against the s^d Christopher Rousby to the Com^{rs} of the Customes in most bitter Termes alleadging Miscarryages in his office and not being sufficiently submissive to his Lordship and his officers, but because his Lords^{ps} could not imagin but that the said Rousby being designed to come for England would cleare himself. as to the managem^t of his Office, hee therefore adds a clause in these words viz^t that when the said Rousby was on board London Shipp, Treason was his common discourse, this he concluded would effect his designe and therefore prays that Rousby may be turned out, and one Captaine Diggs (who marryed one of his Ladys companyes Daughters employed in his stead) yet afterwards in another Letter waves Diggs and sollicite for another of his Ladys sonnes in Law one M^r Phillipp Calvert.

Vide Affidts of
Capt Govr Sly
Mr Will: Johnson } Mercht
Capt Lymes Commandr
of the Friends.
Mr Robt Jose Planter.
Mrs Jane Sly

To every clause of which Letter the said Rousby upon his arrival in England in July last putt in his Answer in writing for his defence hee being not a little surprized for that his Löpp had never spoke to him in Maryland before his comeing

away touching any such matter whereof he now accuses him, though the said Rousbyes design of comeing for England was publicquely knowne as well to his Löpp as others, above three months before his leaving of Maryland, as appeares by severall Deposicōns taken before one of the Judges of the Kings Bench.

Vide the Letter
& Answer, the
Petⁿ to his Mat^y
and order of

Upon reading of which said answer the Com^{rs} told the said Rousby that in regard his Lordshipp seemed to charge him with speaking

Reference there- Treason on board the London Shipps and sig- P. R. O.
upon— nified that hee had writt for that purpose to S^r Colonial
Lyedell Jenkins they did not thinke fitt to enter in to further Papers.
consideracōn of the matter until he had first acquitted himselfe B. B.

Lyedell Jenkins they did not thinke fitt to enter in to further consideracōn of the matter until he had first acquitted himselfe before the said Sir Lyedell whereupon he addressed himselfe to the said M^r Secretary Jenkins, whoe was pleased to grant him a copy of my Lord Baltemores Letter to his hon^r against the said Rousby Dated 28th Aprill 1681 being much to the same effect with that to the Com^{rs} of the Customes, to this the said Rousby did likewise putt in his Answer in Writing, which when M^r Secretary had perused hee tolde the said Rousby his most proper way for dispatch would be to Peticōn his Ma^{ty} which accordingly hee did and his Ma^{ty} was pleased to referr the consideracōn of the matter to the Lords Com^{rs} of the Treasury. But soon after this the said Rousby came to understand that my Lord Privy seale had received a complaint against him, therefore he got a Frend to waite upon his Lōp whoe found my Lord Baltimore had sent a pretended affidavit of one Vincent Low (his Ladyes Brother) taken as is said before his Lōp the 6th of June last where it is pretended that some time in Aprill last at the said Rousbyes owne house, where a Discourse arising about succession of the Crowne in the Right Lyne, the said Rousby should say that he beleived the King was of the same opinion in his heart in poynt of persuasion that the Duke of York was of, and afterwards speaking of the Bill of Exclusion for disableing the Duke, the said Low saying hee heard the Lord Hallifax was much against it the said Rousby should say that greate men are greate knaves and Turne Coates and begin to pisse backwards, of which affidavitt the said Christopher Rousby had a Coppy.

Presently after the Com^{rs} of the Customes made a p^rsentm^t to the Lords of the Treasury of certain matters concerneing Maryland, which gave their Lop^s occasion to call to their Clerke for an order of the King in Council dated the 30th of June last (which was before the arrival of the said Rousby) made upon another Letter of Complaint of my Lord Baltimore to my Lord Privy Seale ag^t the said Rousby being to the same Effect with those others before mencōned to the Com^{rs} of the Customes and to M^r Secretary Jenkins; By which order the matter is referred to their Lop^s whoe upon reading the same order, 23^d November 1681 were pleased to referr the same matter to the Com^{rs} of the Customs to consider and reporte the Case of the said Rousby together with their Opinions, whereupon the said Rousby was called before the said Com^{rs} of the Customes and put in his answer to that Letter also writt by my Lord Baltimore to my Lord Privy Seale, and upon the whole matter, the Com^{rs} have reported to their Lopp^s that they conceive it would

P. R. O. be very much to the Prejudice of his Ma^{ties} concernes and the
 Colonial Discouragement of the Collectors and other officers of his
 Papers. Ma^{ty}s Customes in those parts if they should upon such
 B. B. Tearmes be removed or dismissed, and therefore doe pray
 that the said Rousby may be restored to his Charge &c:

Now as the aforesaid affidavit of the s^d Vincent Low, the said Rousby doth protest that the same is false, and he himself hath made affid^t before one of the Judges of the Kings bench ready to be produced that he never spoke the words charged by the s^d Low and he does verily beleive that if ever the said Lowes affid^t was sworne to before his Lōpp as is pretended, it was when the s^d Low was drunck, which was a thing very frequent with him, as can be proved. And it is remarkable that this affid^t is said to be sworne the 6th of June last and yett alleages the words to be spoake some time in Aprill before, but why the said Low did not sweare sooner, and before the s^d Rousby came out of the Country which was the 11th of May last, or why his Lōp the Lord Baltmore would not vouchsafe to lett the s^d Rousby know any thing before his coming away of the intended accusation against him, or ever questioned him for any thing therein, or why his Lōpp having in his said Letters of Complaint charged the said Rousby with speaking treasonable words on board the Lond^o ships, yet doth not in any one of them set downe either shipp's name, Ma^{ty}s name or the words spoken, nor offers any manner of Prooffe, may require some consideration.

And as to the matter concerning M^r Badcock late Comp^troll^r in Maryland, his Lōpp (after the said Rousby came away) did obstruct and oppose him in the due Execution of his place to the damage of his Ma^{ties} Interest at least 2000^l which is not only fully evident, by Badcock's Letters to the Com^{rs} of the Customes written immediately before his death, but the opposi^cōn is sufficiently acknowledged by his Lōpp own Letters to the Com^{rs} of the Customes of the 7th & 27th of June aforesaid, wherein hee desires the said Badcock may be turned out, and one M^r Nicholas Sewell (his Ladyes son) put in his place, which said Letters of M^r Badcocks and my Lords have since viz^t the 13th of December instant been taken into consideracōn by the Right hon^{ble} the Committee for Forreign Plantations, who have ordered a Letter to be writt to my Lord Baltmore fully to admonich his Lordshipp in the Case &c:

p. 30

To the Right Hono^{ble} the Commission^{rs} of his
 Majesties Customes.

May it please yo^r Honours,

In obedience to your Commaunde of the 25th Instant requiring my answere to a Letter from my Lord Baltmore of the

28th Aprill last directed to my Lord Privy Seale & transmitted to yo^r Honors by the Lords Comissioners of his Ma^{ties} Treaty pursuant to an Order in Councill thereunto annexed. I doe humbly offer in my owne defence.

P. R. O.
Colonial
Papers.
B. B.

That whereas my Lord Baltemore sath Hee hath had great cause of complaint ag^t mee w^{thin} these two yeares and hath writt to yo^r Hono^r but suspects I have intersepted his letters. I utterly deny that I ever did interrupt any Letter of his Lōpp in my life nor was it in my power to do it. And further as to this matter I humbly referre my selfe to what I have already said in this point in my Answer to his Lo^ps letter of the 29th of Aprill directed to yo^r Hono^{rs}

2. Whereas his Lōpp says hee may tearme me a Divell for that I have carryed my selfe with that pride to West country men & New England Trade that many have quitted a Trade they long have had there. I humbly affirme that I have ever carryed my selfe wth due Respect to all Men according to the best of my Judgment & Discretion and am not guilty of any such pride as is alleaged nor ever deserved soe foule a Character. But further I say as in my answer to his Lo^{ps} said letter to your Hono^{rs} that possibly some New England men (and perhaps others not qualified to carry Tobacco out of the province) have quitted a Trade they have long had there (as his Lo^p says) which Trade was in truth to lade Tobacco there, & to carry the same whether they pleased without paying his Ma^{tie} any Custome at all. And for such irregular and illegall Traders or Dealers to leave his Lopp^s province will be Diminution to his Ma^{ties} Revenue, but the Contrary for that the Tobacco notwithstanding such mens leaveing it will all be brought to England, Wales or Barwick (as it hath been for these two yeares last past) and consequently his Ma^{ties} Customes will be paid for the same. And now because I have used all lawfull endeavours to suppress and prevent that Course & Trade of defrauding his Ma^{ties} Customes, and to reduce the Traders and Dealers in that Province to a compliance wth the Law (which if I had not done I should have thought my selfe altogether unfitt for yo^r Hon^{rs} employ^{mt}, or to be in any way intrusted in his Ma^{ties} service) My Lord Baltemore goes about to persuade my Lord Privy Seale that this is a Crime in mee for w^{ch} I ought to be turned out of my place to make roome for his Ladys sonne-in-law.

3. I deny the imposing of fees exacting of presents seizing or troubling of Masters in any respect whatsoever to force them to comply with my unjust demands as is alleaged, or ever troubled any master in any case but where I conceived absolute necessary for his Ma^{ties} Interest. And I deny that ever I forwarned Masters of Ships or vessells from entring wth

P. R. O. his Lo^{ps} Officers, as is pretended. But doe confesse as to
Colonial ships or vessells comeing from other plantacōns or that came
Papers, without certificates; I always advised his Lo^{pps} Officers not to
B. B. give Permissions to such to Trade, before they had either
entered into Bond wth security according to Law to bring their
Tobacco to some other of his Ma^{ties} Plantations or to England,
Wales or Barwick and noe other place, or else had complied
wth the payment of a Penny p^r pound. But I deny that I ever
had the insolence to call this or any thing else. Their Duty
to my selfe, as in the Letter is suggested.

4. I alsoe deny the hindring of Masters of ships or vessels
from carrying their certificates to his Lo^{ps} Officers; otherwise
than as I have fully sett forth in my said answere in this point
to his Lo^{ps} letter to yo^r Hon^{rs} to w^{ch} I humbly referre my selfe.

5. And whereas his Lo^p saith I presume to nose him and
his Governm^t wth powers w^{ch} I ptend to have from the Comm^{rs}
my Masters I utterly deny that I ever pretended to have other
powers than what I really had from yo^r Hon^{rs} by Comission &
Instrucōns or that I ever went about to wrest or streyne them
beyond their true & naturall sense, or any ways thereby to
thwart and oppose or as his Lo^p tearmes it, to nose him or his
Governm^t But I confesse I have ever had an awfull Regard
to the instruccōns received from time to time from yo^r Hon^{rs}
and thought it my duty as farre as possibly I could to pursue
the same always looking upon them as sufficient warrant to
mee to act according to their tenour and purport. Though
phaps my Lord Baltemore has accompted it the due executiō
thereof a Disservice to his Gov^{mt}

6. I utterly deny that ever I used any such expression that
I mattered not w^t prejudice I brought to his Ma^{tie} or his subjects
soe I could advance my owne Fortune. And I humbly concei-
ve none but a madman or a foole can be imagined to speak
such idle words. And I deny that ever his Lo^{ps} Officers or
any of them came to call me to any account as is suggested, or
that his Lo^{pp} ever spoak to mee or acquainted mee before my
comeing out of his province, with the matter whereof hee now
soe passionately accuses mee.

7. As to his Lo^{ps} generall charge ag^t me of Debauchery,
Lewdness and all maner of villany. It is a way of writing
made easy to his Lo^p by his practise in all his Letters of com-
plaint as well against M^r Nicholas Badcock deceased late
survey^r and comptroller there, as against my selfe thereby to
render us too infamous to be capable of our employments.
Though his Lo^p have no cause or ground for the same but
hopes that casting much Dirt some might stick to work his
ends against us.

8. As to his saying I am a Rogue in my heart and am
impudent to publish on board ships my hatred to Kingly Gov-

ernm^t & that by my Example Comand^{rs} of London ships are growne to that persuasion that treason is their comon discourse I say (as in my said former answer to which I referre) that if I had been guilty as is pretended his Lo^p would in all probability have questioned mee for it before I came out of his Government and not have suffered me to have come away unpunished and unquestioned hee knowing of my designe to come at least three months before I took shipping w^{ch} was the eleaventh of May last and his Letters of complaint being dated fourteene days before that.) All which appears by severall affidavits of Marchants Masters and others taken before one of the Judges in the Kings Bench & hereunto annexed. Nor hath his Lo^p sett downe the words pretended to be spoaken ether by mee or by any Comand^r of London ships, nor names any of the said Comand^{rs} nor ever questioned one of them for any such matter. Soe that it is plaine this allegacōn is meerly feigned and contrived to compasse his designe of getting mee turned out of my place.

P. R. O.
Colonial
Papers.
B. B.

9. As to his Lo^{ps} importunate Begging to have mee turned out, and his owne Collector viz his Ladys Sonne in law (as he says to yo^r Hono^{rs}) placed in my stead; I humbly say that it appearing by all his Lo^{ps} letters ag^t mee, as also by those against M^r Badcock that his cheife ayme and designe is to gett those offices of Collector and survey^r in Maryland into the hands of his owne Creatures and Depend^{ts}. I hope his allegacōns and charges against mee will be considered and construed accordingly and for as much as I have constantly endeavoured to the utmost of my power and knowledge to serve his Majesty faithfully in this employment in the due Execution of yo^r Hono^{rs} Instructions and comaunds (w^{ch} I hope I have performed to yo^r Hono^{rs} content) I can not at all doubt of yo^r Hono^{rs} Justice in continueing and confirmeing mee in my Office, which will be noe small encouragem^t to yo^r Hono^{rs} Officers in other remote parts as well as to mee to act with Courage and Cheerefulnes in the due management and execution of our offices being noe way detected of unfaithfulnes or Breach of Trust.

10. And whereas his Lo^p seemes to inferre to my Lord Privy seale from the Practise in Virginia where the same Collector of the two shillings p hogshd, is alsoe Collect^r of the penny p pound. That therefore it ought to be soe in Maryland. I humbly say that Virginia is his Ma^{ties} Collony in his owne Govern^t by his imediate Govern^{rs} there. That all writts, proves and precepts run there in his Ma^{ties} name and that the two shillings p hogshd there belongs to his Ma^{tie} as well as the penny p pound. But Maryland is my Lord Baltemore's province where all wills, proves and precepts run in his L^{ty}

P. R. O. name, and the two shillings p hogshd is his Lo^{ps} nor hath his
Colonial Ma^{tie} any offices in Maryland, but those concerning the Duty
Papers. of a penny p pound &c: viz^t the Collector & Surveyor or
B. B. Comptroller: And to ridd himself of both these, his Lo^{pp} have
not only complained against mee but alsoe by his Lo^{ps} letters
of the 7th and 27th of June last to your Hon^{rs} hath exhibited
grevious complaints against the before mencōned M^r Nicholas
Badcock deceased then survey^r & comptroller there; wherein
his Lo^p vehemently sollicites to have Badcock turned out, and
another of his Ladys sonnes put in his place. And yet it is
most manifest aswell by his Lo^{ps} said letters as by M^r Bad-
cocks owne letter to yo^r Hono^{rs} writt imēdiately before his
death dated 10th of July 1681 (to which I humbly referre, that his
Lo^{ps} said complaint against M^r Badcock was most unjust and
that hee had done nothing but what was his duty in his place
and that his Lo^{pp} did oppose him therein to the damage of his
Ma^{ties} Interest at least 2000^{lb} sterling. By which transaccōns it
is clearly evident what most excellent service would be done
for his Ma^{tie} in that province, without any noyse, if his Lo^{ps}
could compasse his ende in procureing thoses places for his
Ladys Sonnes, which is his principall Drift & Designe.

All which I humbly submitt to your Hono^{rs} grace Judgem^t
Being

Yo^r Hono^{rs}
most faithfull and most
humble servant
Chris: Rousby.

(Endorsed)

M^r Rousby's Answer to Lord Baltimore's Letter of Comp^t
to Lord Privy Seale.

p. 31 To the Right Hono^{ble} the Comm^{rs} of his
Ma^{ties} Customes.

Having by your Hono^{rs} comānd received a Copy of my
Lord Baltremores Letter of the 29th of Aprill last conteyneying
a complaint against me, and pused the same I cannot but
observe to your Hono^{rs} that the whole charge is in generall
without any particular circumstance, and therefore I can return
thereunto but a generall answer. Though had his Lord^{sp}
made me acquainted with the substance of his letter before I
came out of Maryland (which had been but reason) I should
have been better able to vindicate my innocence from those
Refleccōns cast upon mee. However for the present I have
this to offer in my owne defence. First his Lord^{sp} tells your
Hono^{rs} that he has by two shippings, writt letters to you, but
feares that by some ill fortune or other they are miscarried,

and saith hee is almost assured they were delivered into my hands, and soe never carried out of the province. To which I answer that they were never in my custody nor was it in my power to stop any mans letters much lesse his Lord^{ps}. And if hee did send such letters as hee speaks of, I suppose he has not forgott to give an account thereof nor was it difficult for him to send duplicates thereof by some other conveyance as is usuall especially seeing hee suspected their intersepcōn.

P. R. O.
Colonial
Papers.
B. B.

As to his chargeing mee with prowd carriage to west Country men, new England men, his Lo^{ps} Officers & himselfe seeing hee hath instanced in nothing, I cannot possibly understand in what points hee meanes, nor what further to say than that I have ever carryed myselfe as submissively & dutifully to his Lo^p and as respectively to the rest as possibly I could and as the Duty of my office oblidged mee to doe. Whereas his Lo^{pp} charges mee with exacting fees from all Masters of ships and vessells upon their entry and clearing out of the province, and that a Crowne a vessell is the least they escape with and that some are forced to make me presents for their dispatch I deny that I ever demanded or allowed or suffered any one under mee to demand so much as one penny of any other master than such as came from other Plantacōns, or produced no certificates from England and soe were oblidged by Law to enter into Bond of navigacōn there for Entry whereof and for their Bond, Discharge &c: Though I never took Farthing myselfe I confesse I did suffer my Clerk to demand of some Masters of small Vessells 2^s 6 and of others where there was more entrys outwards 5^s. But where one M^r paid three did not. And I can saifely say that all that ever was received upon such score, did never amount to thirty shillings in any one yeare since I had the employment. But I am informed if I had taken what was justly due it would have amounted to much more. And I doe utterly deny that I ever deteyned any ship or vessell whatsoever but where I thought it absolute necessary for the Kings service. And I doe verily beleive that noe one man breathing will say hee was ever threatened or stopped by mee, or any under mee upon any such score as to make mee Presents.

As to what is alleadged against me for receiveing Certificates from Masters of ships of their having given Bond in England, and not suffering them to carry the same to his Lo^{pps} Collectors I answer that while his Lo^p was last in England, hee left his Ladys sonne a very young man to be his Collector, who trusted the business to a young Irish Fellow imployed by him as Clerk, and I having occasion to see some certificates which were said to be left in their hands (without which I could not perfect my accompt of shipping for your Hon^{rs}) The Certifi-

P. R. O.
Colonial
Papers.
B. B.

cates could not be found, wherefore I requested the then Govern^r M^r Thomas Notley dēcd to speak to them to be more carefull, and he thereupon desired me from that time to take the certificates from the Masters unto my owne Custody and to signifie under my hand from time to time to my L^{ds} said Collector that the Masters had produced and left such certificates with mee, and assured me, it would be kindly lookt upon by my Lord and taken as very good service to his Lo^p wherefore I did use this course in the Port of Patuxent untill his Lo^p last returned from England, at w^{ch} tyme he seeing the method told me he liked it very well soe I proceeded for two yeares longer, his Lo^p never in all that time speaking one word to me against it. Nor was this one farthing benefitt to me or any under mee but on the contrary it caused (besides the trouble) considerable Charge to me to enterteyne such Masters. As to endeavouring that noe Master of Ship or Vessell should make Entry with his Lo^p Collector untill they had satisfied my unjust and unreasonable Demande. I doe averre I never endeavoured any such matter, nor doe I know what his Lo^p meanes by my unjust and unreasonable Demande. But I confesse I did endeavour that such vessels or ships as came from other plantacōns or England without Certificates might not be entered and permitted by his Lo^p Collector to trade, before they had performed such matters as by the Law and your Hon^{rs} Instruccōns to mee they ought to doe. And this it seems troubles his Lo^p and makes him add that if he should suffer mee to proceed noe ship would be able to trade there without my leave. I deny not but that some new England vessells have quitted the province because I looked strictly to them that they should exactly performe what I had in charge from your Hono^{rs} and this his Lo^p is pleased to call my proud haughty insolent humour. But I utterly deny that ever his Lo^p in his life spoak to me about any such ill carriage. Much more that ever I gave his Lo^p such irreverend language, or sleighted his Govern^t as in his letter is suggested. As to the allegacōn of my wicked life profane language and Debauchery, and that when I was on board London Ships my comōn Discourse was Treason. I thank God my life was never soe wicked as to comitt any Treason against my sovereign Lord the King in thought, word or deed. And I cannot but admire his Lo^{pp} should add such a Clause against mee for which if it had been true, doubtless his Lo^{pps} great prudence, justice and loyalty would not have suffered mee to have escaped his Govern^t unpunished, but he never was the man that ever charged mee in Maryland with any such matter though my name was sett up at the Court house there (as the manner is) to signifie my departure above foure months before I came away. And

since his Lo^p is pleased to affirm as afores^d that Treason was P. R. O.
commonly spoaken by mee on board London ships. I wish he Colonial
had specified the words and named the shipps that the Masters Papers.
and officers might have been examined, either to have cleared B. B.
or condemned mee. And your Hono^{rs} can not easily beleive
if I were such a person as his Lo^p would insinuate, that I should
be soe foolish as well as wicked to speak treasonable words or
any thing like them on board any of the London ships the
Commanders of whom would be equally guilty with mee if they
did not immediately apprehend mee or complaine of mee here
in England, which they have not done but I am sure might cleare
my Innocense in this particular charge. As for his Lo^{ps} tearmes
against mee of knave, rogue and raskell &c: wherewith his
whole letter is besprinkled I conceive them but words of course
and soe passe them by.

I must confesse I received the Commission and Instruccōns
for the Collecōn of his Ma^{ties} Customes in Maryland upon the
particular recomendacōn of my Lord Baltemore, for which I
have returned him as I doe your Hono^{rs} all due respects. And
if I mistake not his Lo^p hath not charged me wth the least
breach of trust in my said imployment or with any neglect or
omission in the executōn of your Comands which I hope I have
performed to you^r Hono^{rs} Content. And I am confident that
till you find mee guilty of some misdemeanour you will not
think fitt to remove mee to make room for M^r Willm: Diggs,
sonne-in-law to his L^{ps} Lady. And I am abundantly satisfied
that my care and industry in my imployment and preferring
the Kings service therein before his Lo^{ps} humour and interest
will in the end appeare to be my greatest cryme.

I shall only make bold to add further that I humbly conceive
his Ma^{tie} may be as well or better served in that affaire by
others, who derive noe part of the power from his Lo^p rather
than by his Lo^{ps} Collectors, because his Lo^{ps} Eye nor his
cheife officers will not be soe likely to over awe them to pro-
mote the Interest of him and his province, before that which by
the duty of their place they are oblidge to doe. All which I
submitt to y^r Hono^{rs} Consideracōn, and remaine

Your Hono^{rs}
most faithfull and humble
servant
Chris: Rousby.

M^r Johnson's Affidavit about Rousby.
21st September 1681.

p. 36

William Johnson of London Merchant aged about twenty
four yeares maketh oath that hee being in Maryland the last
shipping tyme & trading and Merchandizing in severall parts

P. R. O. of that province he did heare it publicly and generally
Colonial spoaken by the people where came that Christopher Rousby
Papers. his Ma^{ties} Collector in that Province was designed for England
B. B. and had taken his passage in the Globe then rideing at
Anchor in Petuxent, and this was generally spoaken and
known for the space of at least two months before the said
Christopher did come from thence which was upon the
eleaventh day of May last and this Depon^t further saith that
being at the house of the said Christopher Rousby which is
about a mile from my Lord Baltemores about a day or two
before the said Christopher went on board hee see divers
people there that were come from sundry parts of the Province
to take their leaves of him and hee this Depon^t then
heard it publicly spoaken there (& soe hath by diverse
people in the said province since) that the s^d Christopher
Rousby two days before hee came away went to my Lord
Baltemores house to take his leave of him. But his Lo^p
would not be seene by him

Jur^r 23^o die Sept.

W^m Johnson.

A^o 33. Car. II.

Tho: Raymond.

p. 32

Mr Slyes Affidavit about Mr Rousby's
departure from Maryland

23rd September 1681.

Gerard Slye late of St Marys County in the province of
Maryland now of Lond^o Merchant aged about 27 yeares;
maketh oath that he being in the p^{vince} of Maryld aforesaid
all the months of Feb^{ry} March Aprill and untill the eleaventh
day of May last past, he did during all that time hear it
generally spoaken and discoursed by the most eminent and
considerable people in that Country, that Christopher Rousby
his Majestyes Collector there was designed and resolved to
come for England that time of shipping and agreed for his
passage in the shipp Globe of Lond^o that present voiage then
riding in the river of Pettuxent in Maryld^d and this Deponant
did heare the s^d Christopher at sundry times and places pub-
liquely declare his s^d intention toe severall companys of people
there; and he this Depon^t did severall times see the name of
the said Christopher Rousby which was put up in writting in a
faire table in publiq at the secre^{ts} office of the s^d province as
by Law there is required to signifie his s^d Intention of De-
parture; and does know that the name of the said Christopher
Rousby was so putt up and placed for the space of three
months before he came away and verily beleives that the s^d
Christopher did give as publiq and generall notice of his
departure from the s^d province as any man ever used to doe

and hee the rather beleives this because hee this depon^t did see the Sec^{ry} of the s^d province by name Will: Calvert Esq^{re} putt his hand to a pass or writteing under the lesser seale of the s^d province toe Lycence the s^d Christopher to depart the s^d province & did see the s^d Sec^{ry} deliver the same to the s^d Christopher and all this was done as it soe happened in an open & full Co^{rt} held for the s^d province at S^t Marys about the beginning of May last past and hee this depon^t did afterwards see the s^d Christopher shew and deliver the s^d pass unto Sam^l Groom Command^r of the said shippe to warrant his said Transportacōn and sayth that the said Christopher did come for Engl^d in the s^d shippe Globe accordingly (this depon^t being passanger then in the same) and that they did embarq and depart from the province of Maryland the eleaventh day of May 1681 and sayth that being at my Lord Baltemores the same day that the shippe sayled to take his leave of my Lord and Lady hee was told by severall of the Familly there that the s^d Christopher had been twice there two days before to take his leave of my Lord but his Lord^{shipp} would not bee seen by him the s^d Christopher and this Depon^t further sayth that it did manifestly appeare to this depon^t that his said Lordshippe did very well know of the s^d Christopher Rousby's intencōn to come for England at that time in the said Shippe Globe for that when hee this depon^t upon the s^d eleaventh day of May last offered to go away & to bidd his Lordshippe farewell in ord^r to take water and go on board his Lords^{shipp} told him hee needed not make so much hast for he beleived M^r Rousby was not yett gott on board or words to that effect and further this depon^t sayth hee being in Comp: with my Lord Baltimore & the s^d Chr: Rousby at my Lords House about a month before the said Christopher Rousby came away, he heard my Lord ask the s^d Christopher Rousby if he held his resolucōn to goe for England and the s^d Chris: answered him yes God willing or words to that effect:

Jur: 23 die Septemb

Tho: Raymond.

John Lynes Affidavit ab^t M^r Rousby's
departure from Maryland.

P. 33

23rd September 1681.

Jane Slye aged about thirty yeares maketh oath that shee being with her husband M^r Gerrard Slye at the Lord Baltemores house in Maryland about the tenth day of May last to take their leaves of his Lo^{pp} and his Lady shee did heare my Lord and Lady Baltimore use severall words and expressions touching Christopher Rousby his Ma^{ties} Collector there, whereby it did plainely appeare that they both were acquainted with

P. R. O. the said Christophers Inventions of comeing for England at
Colonial that tyme in company with this Depon^t and her husband in the
Papers. ship Globe of London, Sam^l Groome Command^r and that at
B. B. the same tyme shée heard by severall persons of my Lord
Baltimore's Family and others that the said Christopher had
been there twice the day before to take his leave of his Lo^{pp},
but his Lo^{pp} would not be seen by him. And further saith that
the said Christopher's invention of comeing for England in the
aforesaid ship, at or about the tyme aforesaid was publicly
known & spoken of by the generality of people in the said
Province of Maryland whenever this depend^t did happen to
come, for many weeks before the said ship came out of Mary-
land wherein this Depend^{ts} husband and herselfe and the said
Christopher Rousby were passing & took shipping about the
eleaventh of May. 1681.

Jane Slye.

Jur: 23^o die Septemb
An^o 33 Car II
Tho: Raymond.

Cap^t John Lynes his Affidavit.

John Lynes Master of the shipp Friends Increase of London
aged about two & thirty yeares maketh Oath that hee being
with his said shipp in the Rivers of Petuxent Potomack and
Wiccocomoco in the province of Maryland this present year
during all the months of February, March, Aprill and May and
had occasion to travell much by Land within the said Province
and to converse with the generality of the people there, hee
this Depon^t did heare it publicly spoken by most people of
note and quallity where hee came that Christopher Rousby his
Ma^{ties} Collector in Maryland was designed to depart the said
Province and to goe for England that present voyage in the
ship Globe of London, Sam^l Groome Comand^r then rideing at
anchor in the River of Petuxent. And this Depon^t saith that
this was soe discovered and publicly known by the generality
in the said Country for above two months space before the
said Christopher came away in the said ship which was the
eleaventh day of May last

Jur: 23^o die Sept.
A^o 33 Car. II
Tho: Raymond.

John Lynes.

p. 34

M^r Robert Toat his Affidavit
concerning M^r Rousby.

23rd September 1681.

Robert Toat of S^t Marys County in the Province of Mary-
land planter aged about thirty eight yeares maketh oath that

hee having lived in Maryland divers yeares together untill the eleaventh day of May last at which time he came from thence in the shippe Globe, Christopher Rousby his Ma^{ties} Collector in Maryland being a passenger in the same shippe. And this depon^t saith that it was generally known and spoaken by most people in the said Province where this Depon^t had occasion to come for above two months together immediately before they came away, that hee the said Christopher was designed to come for England at that tyme in the said ship Globe.

P. R. O.
Colonial
Papers.
B. B.

Jur: 23^o die Sept.

Rob: Toat.

A^o 33. Car. II.

Tho: Raymond.

M^r Calverts order to M^r Rousby to pay
money in London with M^r Slys affid^t

p. 35

23rd 7^{ber} 81.

M^r Christopher Rousby,

Whereas there is a bill of mine for five pounds sterling long since payable to Timothy Squire late of the City of Yorke in England deceased which bill I lately saw in the hands of M^r Thomas Masterman and in the hands of M^r Richard Peacocke I doe therefore heereby order you to pay the said summe of five pounds to the said Thomas Masterman or M^r Richard Peacocke if he will deliver you in my bill afores^d and so I wish you a happy voiage and a restauration to perfect health that a long life may be a lasting comfort to you and rest

Y^r servant

Philip Calvert.

May 6th 1681.

From S^t Marys.

Gerrard Slye of London marchant late inhabitant in the Province of Maryland maketh oath that hee very well knows Philip Calvert of Maryland aforesaid Esq^r unckle to the now L^d Baltemore and hath soe known him for about tenn yeares last past & that hee is entitled there the Chancellor of Maryland and is cheife person in my s^d Lords Council. And saith hee this Depon^t hath very often for the tyme aforesaid seen the s^d Philip Calvert write & hath seen very much of his hand writeing & is very well acquainted therewith. And further this Depon^t saith that the letter above written dated 6th May 1681. from S^t Mary's signed or subscribed Philip Calvert and beginning M^r Christopher Rousby, is every word thereof of the proper hand writeing of the said Philip Calvert Esq^r to the certaine knowledge of this Depon^t soe farre as it is possible for

P. R. O. one man to know another mans hand not seeing him actually
Colonial write the same.

B. B. Jur: 23^o die Sept.

Gerard Slye.

A^o 33. Car. II.

Tho: Raymond.

p. 23 Letter from the Council recommending M^r Sanderson to the
Lord Baltimore in Maryland.

8. October 1681.

After our hearty Commendations to your Lordship Whereas
our very good Lord the Lord Bishop of London hath repre-
sented unto us that he hath made choice of the bearer hereof
M^r Ambrose Sanderson Bachelor of Arts as a person fitly
qualified to reside in Maryland to take care of and instruct his
Ma^{tie}'s Protestant subjects in that Colony. We thought fitt for
his better encouragement in that charge, hereby in an effectuell
manner to recommend him to your Lordship praying your
Lordship to give him from time to time all favourable counte-
nance and protection in such matters wherein he shall have
occasion to apply unto your Lordship and so not doubting of
your Lordship's ready compliance herewith Wee bid your
Lordship &c.

8. October 1681.

W. Cant

Anglesey C. P. S.

Bathe

Craven

Hyde

L. Jenkins.

To the Lord Baltimore.

p. 24 Letter from the Council to the Lord Baltimore about
partiality to Papists in Maryland.

12th October 1681.

After Our hearty Commendacōn to your Lordship, Informa-
tion having been given unto Us, That there are very few of his
Ma^{tie}'s Protestant Subjects admitted to be of the Council of the
Colony of Maryland, and that there is partiality and favour
shewed on all occasions towards those of the Popish Religion to
the discouragement of his Maj^{tie}'s Protestant Subjects which We
hope may proceed from misrepresentacōn yett Wee cannot but
take notice thereof unto your Lordship praying and requiring
you to cause the same if true to be speedily redressed, and that
in the distribution of the Armes and Ammunition (which at
the request of your Agent Nicholas Lowe Merchant, Wee have

permitted to bee transported for the Defence of that Place) your Lordship do express your trust and confidence in His Maj^{tie}'s Protestant Subjects by putting the said Armes into their hands. And so being confident of your readiness to answer our expectation in these particulars Wee bid your Lordship heartily farewell &c.

P. R. O.
Colonial
Papers.
B. B.

| | | |
|--------|-------------|---------|
| signed | L. P. Seale | Craven |
| | E. Bathe | Halifax |
| | E. Conway | Hyde |
| | | London |
| | | Jenkins |

dated 12th Oct: 1681.

Tuesday 25th October 1681.

Upon reading the petition of Christopher Rousby, Collector of his Maj. Customs in Maryland, praying that copies may be given him of the accusation sent by my Lord Baltimore against him. It is ordered that he have copies accordingly.

P. R. O.
Colonial
Entry Book,
No. 106.
p. 294

Munday 31 October 1681.

p. 298

Richard Shepherd, Master of the ship St. George lately come from Maryland attending informs the Committee that when he left Maryland which was in August last, the Country was under an apprehension of the Indians who had lately murdered some Christians but that he knows of no quarrel between the Protestants and Papists. That two persons viz: Coode & Fendall had been taken into custody upon an information that they had said that if the Parliament were dissolved my Lord Baltemore should not bee quiet in Maryland and that they are since released. That hee beleeves there are thirty Protestants to one Papist in the Country. That he knows of no talk in Virginia of their fearing an invasion of the Indians but that the much planting had occasioned much poverty among them.

Whitehall Treary Chambers 20 m^{sis} No^r 1681

The Lords Commisioners of his Ma^{tie} Treary are Pleased to Refer the matters alleadged ag^t the within named Christopher Rousby to the Commissioners of the Customes who are to Examine the same and make Report thereof together with their Opinion thereupon to their Lo^{pps}

Hen: Guy

Maryland about Christopher Rousby 8^o Nov 1681
Ref to C C to Examine and Report.

Whitehall Treasury Chambers 23. Nov^r 1681.

No. 52, p. 72

The Lords Commissioners of his Majesty's Treasury are ,

P. R. O. pleased to referr the matters alleadged against the within
Colonial named Christopher Rousby to the Commissioners of the Cus-
Entry Book, tomes, who are to examine the same and make report thereof,
No. 52. together with their opinion thereupon to their Lords^{ps}

Hen: Guy.

P. R. O. An Extract of a Letter of the 6th of December 1681 from
Colonial Mr Christopher Rousby To Robt Ridgley.
Papers.

Wee have letters from Virginia that signifie some kind of Disturbance in Maryland as if his Lord^p and Assembly Could not agree, and that there are more persons Imprisoned besides Cood and Fendall and they still in durance, and that his Lospp Keeps forces in Armes and the Common people in great dread and fear, these letters are dated about the 12th or 14th of September and came by a Liverpoole man out of Potomack. I wish I had had one of that date from you which would have been my great satisfaction, (there is great News lately A Grand Jury of great Eminency for Estates and Judgment was sworne to goe Upon the Indictment of my Lord Shaftesbury who was then in the tower The witnesses were Turberuile Smith Booth Haines Baines and a Crew of Irish Blades they all swore like Stout Sinners But the Quality of the Persons Improbability of the Testimony of some Condradiction of others and the certaine knowledge of some of the Iurors that a paper found amongst Shaftesbury writings touching an Association (upon which great Stresse was putt) was a thing don in Parliament tyme, and Concerning which, Some motions had been made in the house of Commons (which if it had been a Contrivance don out of Parliament time might have amounted to Treason) I say upon the whole matter the Jury Brought in the Bill Ignoramus The last day of the Tearme which was this Day Seavennight. The Earle of Shaftesbury My Lord Howard of Escrick one M^r Wilmore M^r Wilson and another all Comitted for Treason were Upon theire habeas corpus Admitted to Bayle and Suffered to goe at Large.

I have spoken here with Severall Masters who conclude that the paying an Easy penny in Maryland is much more for theire profit then paying of a halfe penny in England with the Demeurage of unloading and loading the ship. Good friend forgive me the trouble of this teadious scribbled Letter I know not whether I may have opportunity to write to you againe before the Arrivall of the first Shipps from Maryland by whom I hope I shall heare Good News from you which is the Earnest desire of

Chr Rousby

An Extract of a Letter from Rousby to Ridgley
Maryland 6 December 81.

6th December 1681 London.

P. R. O.
Colonial
Papers.

Deare friend

You will doubtless thinke it Strange to heare that I am not yet out of my trouble occasioned by my Ld. B. but yet I thanke God though I move slowly I have not miscarried in any place but have lately gained a very great point and doe stand very faire to Effect not only my owne but your Business alsoe whereof I hope to be able to give a good account in a short time and though the Character given of mee by his Lordsspp be as black as Hell yet am I not Looked upon to be soe profligate or despicable a Rogue as hee Sets me forth but have mett with faire hono^{ble} and just dealing and severall Unexpected friends and some not of the meanest Ranke. Here is great news lately, A Grand Iury of great Eminency for Estates and Iudgement was sworne to goe upon the Indictment of my Lord Shaftsbury who was then in the tower the witnesses were Turberuile Smith, Booth, Haines, Baines, and a Crew of Irish Blades They all swore like Stoute Sinners but the quality of the persons Improbability of the Testimony of some Contradiction of others and the Certaine knowledge of some of the Iurors that a paper found amongst Shaftesbury's writings touching an Association upon which great Stresse was putt was a thing don in parliament time and Concerning which some motions had been made in the house of Commons which if it had been a Contrivance done out of Parliament tyme might have amounted to treason I say upon the whole matter The Iury brought in the Bill Ignoramus The last day of the hearing which was this day Seaven-night (The Earl of Shaftesbury, My Lord Howard of Escrick one M^r Willmore M^r Wilson and another all Comitted for treason were upon their habeas Corpus, Admitted to Bayle and suffered to goe at large there was at the old Bayly when the bill against Shaftesbury was brought in Ignoramus Great Rudenes by shuteing and noise Comitted by the Comon people in the Court many Bonfires were that night made in the Streets by the Rabble who in Some places were too disorderly to the people that passed forcing them to give money towards their fires and Drinking the Earles health which hath been very ill Resented and Complained of. But it is the common opinion That if they had found the Bill against the Earle many hundreds of the Whigish party would presently have been committed to prison for that is the tearme of distinction from the Court party called Torsys—In the Interim, Beware of that Treacherous false Lying Swearing Deceiptfull Man M^r G Low whose false forward foolish Affidavit against me in order to Strippe me of my office and take away my life. I hinted to you in my last letter and beware your Selfe and Soe I pray desire my Brother and all

P. R. O.
Colonial
Papers.

our friends of all persons of that Stamp least you wofully
Experience As I have done how void of Conscience or honesty
they are I hope you will pardon me if I seeme a little too bitter
since it was not my designe to appeare soe I have Spoaken
here with Severall masters who Conclude that the paying an
Easy penny in Maryland is much more for their profit then
paying of a halfe penny in England with the demurrage of un-
loading and Loading the shippes Good friend forgive mee the
trouble of this teadious scribbled Letter I know not whether
I may have opportunity to write to you againe before the
arrivall of the first shippes from Maryland by whome I hope I
shall heare Good News from you which is the Earnest desire of
S^r your most affectionate faithfull

Friend and Servant
Chr Rousby

The superscription is a followeth

These

To M^r Robert Ridgly at his house
neere S^t Maryes In
Maryland

p Capt Thomas Smith
Q D C

An Extract of a letter from Rousby to Rob^t Ridgly the whole
letter being two sheets of paper this Extract is truly copied
and examined with the Original which is in the hands of
C Baltemore.

P. R. O.
Colonial
Entry Book,
No. 106.
p. 317

Saturday 10th December 1681.

Two letters dated 26th May and 10th Iuly from M^r Bad-
cock Surveyor of the Customs in Maryland to the Comm^{rs} of
the Customs being transmitted to the Committee by order of
the Lords Com^{rs} of the Treasury, the same are read and com-
plaint^{re} being made therein that my Lord Baltemore had ob-
structed the due execution of the Acts of Parliament relating
to trade and hindred the said Badcock from performing the
duty of his office the Lords agree to report that a letter be
written by his Maj. to the Lord Baltemore reprehending him
for these proceedings and strictly requiring him to cause the
several Acts of Trade and Navigation and particularly that of
the 25th of the King to be duly observed within his Province
The Lords intend also to make further enquiry into this matter
from the Com^{rs} of the Customs at their next meeting.

p. 319

Tuesday 13th December 1681.

Sir George Downing attending & being asked concerning
the proceedings of my Lord Baltemore in relation to M^r Bad-

cock Surveyor of the Customs in Maryland, he explains to the Committee the mistakes my Lord Baltimore seems to be in concerning the Acts of Trade as confessing by his own letters his having hindered the said Badcock from receiving the penny per pound upon Tobaccos which were intended to be brought for Ireland, Whereupon the Committee will according to their former Minutes report that my Lord Baltimore be severely reprehended for his erroneous opinion in this matter, And that since it appears by M^r Badcock's letters that the King has been endamaged in the sum of Two thousand five hundred pounds his Lordship do take care to make good the same to the Receiver General of the Customs in England and his Lord^{sh} be given to understand that unless he do readily comply with the Acts of Trade and Navigation, His Maj. will call him to a further account and to direct a Quo Warranto to bee issued upon his Patent.

P. R. O.
Colonial
Entry Book,
No. 106.

Munday 23rd January 1681/2.

p. 341

Several papers being transmitted by the Lords of the Treasury to the Committee concerning Christopher Rousby, Collector of the Customs in Maryland a report of the Com^{rs} of the Customs upon that whole matter is read together with a letter from my Lord Baltimore to my Lord Privy Seal complaining of M^r Rousby as also the answer of M^r Rousby to that complaint, Whereupon M^r Rousby is called in and declares upon oath that he came out of Maryland the 11th Iune and had been with my Lord Baltimore several days before his departure and that his Lordship had not charged him with any accusation altho' he had published his coming away four months before And that about fourteen days before his departure my Lord Baltimore had proposed to him a match with one M^{rs} Babington soe far was his Lord^{sh} from expressing any mark of his displeasure for any thing he had done Whereupon their Lordships think fit to report that they have examined the whole matter relating to M^r Rousby and had heard him upon oath as well as the depositions of other persons concerning him And are of opinion that my Lord Baltimore has proceeded in a very unusual manner by charging the said Rousby with so great enormities in his absence without giving him any notice of his accusations before his departure from Maryland And that his Lordship has not transmitted sufficient proofs upon the matters complained of so as that credit may be given thereunto All which his Ma^{ty} may please to signify by the letter which is preparing to his Lordship whereby he may also be required to permit the said Rousby peaceably to execute his office and to afford him all the encouragement therein which the Law requires. And that if his Lordship hereafter shall have any

P. R. O. cause of complaint against the said Rousby or any other person
Colonial that he do then first give him or them a particular charge
Entry Book, thereof and receiving their answer thereunto that his Lordship
No. 106. do transmit the said charge and answer with sufficient proofs
that his Ma^{ty} may direct justice according to the merit of the
case. As also that tho' his Maj. might justly direct his writ of
Quo Warranto to issue out that nevertheless his Maj. had only
ordered the Com^{rs} of the Customs to charge his Lord^p with the
payment of two thousand five hundred pounds which his Maj.
had sustained in damage by the obstruction that M^r Badcock
his Maj. Surveyor had received in his office by the undue pro-
ceedings of the said Lord Baltimore.

P. R. O. Coll Steevens
Colonial
Papers. Worthy Sir

14th December London 1681.

Yours of the 2^d of August came to my hand but yesterday
and by what ship it came I cannot tell but it is very welcome
and I Returne you very hearty thanks for it and for all your
kindnesses Especially for your favouring Countenanceing and
advancing that affaire of his Majesties wherein I am Con-
cerned which poore Badcock Signified to mee not a week
before hee dyed. S^r I doubt not but you have heard before
now what paines my Lord Baltimore hath taken to ruine mee
in my Estate Reputation and life by Idle malicious and dam-
nable false accusations to the Commisioners of the Customes
the Secretary of State and my Lord Privy Seale all which I
have answered and I thanke God am in a very faire way to be
very suddenly Cleared and Confirmed in my place to great
advantage The Carriage of his Lordsp^p to M^r Badcock in
the Case of the shipp^s that came to Maryland in the summer
with Certificates of having given bond to goe for England
Ireland Wales or Berwick is very ill Resented by the Lords of
his Majesties Councill and his Lordsp^p will very suddenly Re-
ceive a Severe Reprimand for his opposeing his Majesties
Interest and obstructing his affaires I pray present my due
Respects to M^r Howard and tell him I have a Strict Charge
not only from the Commissners of the Customes but from the
Lords Commisioners of the Treasury to be very Circumspect
to Receive his Majesties duty of ^d pth of all such shipp^s as bring
Certificates of having given bond here to Returne for England
Ireland Wales or Barwick for although the act of 22 and 23 of
the King which Enjoynes the leaving out of the word Ireland
be expired yet the duty is due by the Act of the 25th of the
King for all Tobaccos for which Bond is not given to bring
the same to England Wales or Berwick, or some Plantation and
to noe other place soe that now if they pay their duty they may
goe directly for Ireland without touching in England otherwise

not I pray Communicate this to M^r Ridgely whose business mentioned in the little letter which was inclosed in yours I am in great hopes and faire way to Effect to his Content I thank God I have found divers great friends beyond my hopes or Imagination and though I am rendered by my Lord Baltemore as black as the devill yet will not his Callumnys take place according to his desires and unworthy Clandestine dealeing but the practice and proceeding here which I wonder his Lordssp should be Ignorant of is quite another way all open faire and Cleare which hath sufficiently unriddled his Lordssp profound Intrigues against mee. I confess it hath cost me much money and will cost more but I would not for twice soe much have continued in ignorance of what I now know or have wanted the interest I have now gained.

P. R. O.
Colonial
Papers.

S^r As to Publick news there hath been great Expectation of the Tryall of my Lord Shaftsbury who was Indicted for Treason upon a parcell of Lousy Irish Evidence but the grand Jury Consisting of most Eminent Citytcants would not give Credit to the witnesses but brought the Bill in Ignoramus This hath quite altered the Comon talk and Crye in the towne A parl is Expected very shortly Strict Charge is given by his Majestie to the Iustices Concerning the Laws and Proclamations against Papists Tobacco is most damnable Low both here and in holland M^r Ridgely had 12 hhds which I kept for the better but it proved for the worst Markett and would Even hardly Cleare itselfe

S^r If there be anything wherein I can serve you here you may be assured that No man Liveing shall be more Ready and Reall then

S^r your most affectionate friend
and most humble Servant

Chr Rousby

My very humble Service to yo^r Lady and to all good friends, I pray desire M^r Howard to procure and Send mee if possible a Cock and an henn of the wild Turkey breed and gett some master of a shipp to take Charge of them what ever he shall be out of purse I will willingly Repay and take it as a very great kindness

To the Hono^{ble} Coll William Steevens
at his house at Pocomoke In
Maryland

ᵕ Capt Thomas Smith
Q. D: C:

A Copy of a Letter from Christopher Rousby to Coll W^m

P. R. O. Steevens one of y^e Councill in Maryland being examined by
Colonial the originall now in the hands of
Papers.

C Baltimore
Dec 14: 81:

B. B., p. 28

15 Dec. 1681.

May it Please your Lord^{ps}

In Obedience to your Lord^{ps} Comande Signified to me by Mr Guy on an order of his Maj^{ty} in Councill of the 20 June last and Copy of a letter from my Lord Baltemore Proprietor of Maryland to my Lord Privy Seale of the 28 April proceeding both hereunto annexed Complayning of the Insolent and unwarrantable proceedings of Christopher Rousby the collector there tending greatly to the discouragement of the Trade diminution of his Ma^{ty} Customes and disturbance of the peace and Quiett of that Colony etc by the sayd Letter more at large appeares

We do humbly report to your Lord^{ps} That we have called the sayd Rousby before us and charged him wth the severall Matters Complayed off and Received his Answer thereunto a Copy of which is hereunto annexed As also a Copy of his former Answer to a Letter from my Lord Baltimore to our Selves to the same Effect. But in regard there are no Particulars transmitted upon the Pointes Complayned off Nor any Proofes of the same We are humbly of opinion That it would be very much to the prejudice of his Ma^{ties} Concernes and the discouragements of the Collectors and other Officers of his Ma^{ty} Customes in those Parts if they should upon such Termes be Removed or dismissed. And therefore we pray that the sayd Rousby may be Returned to his charge, and that a Letter be written to my Lord Baltemore desiring him that if he shall hereafter have any Cause of Complaint against the sayd Rousby That he will first give him a p^rticular Charge thereof and Receive his Answer thereunto and then transmitt both the sayd Charge and Answer to us wth the Proofes thereof w^{ch} will be a meanes to prevent the lose of time that will otherwise be occasioned by transmitting hither such Charge alone and afterwards sending the same back for an Answer

We have also hereunto annexed such affid^s and other Evidences as the sayd Mr Rousby hath produced before us in his own defence

All w^{ch} is humbly submitted
to your Lord^{ps} Considerations

I Butler

Custom house Lond^e

15 December 1681

Ch: Cheyne

G Dowring.

Mr Rousby's answer to L^d Baltemores letter of com^{pl}t to L^d P. R. O.
P: seale Colonial
Mr Rousbys answer to L^d Baltemores comp^{lt} to the comiss^{rs} Papers.
of Customes B. B.

Affidavit of Gerrard Slye ab^t Rousby's departure fro Mary-
land

Affidavit of John Lynes of the same

Affidavit of W^m Johnson of the same

Affidavit of Rob^t Toate of the same

Sec^{ry} Calvert's order to Rousby to pay money in London

Attested by Affidavit by Gerrard Slye

(Endorsed)

Commissioners of the Customes report concerning Mr
Rousby.

The Names of such Gentlemen as are and for these severall
yeares past have beene of the Councill and Justices of the Pro-
vinciall Court.

Philip Calvert Esq. Chancelor R. Catholick

William Calvert Esq. Secretary R. Cath:

Vincent Lowe Esq. Surveyor Generall R. Cath:

Henry Coursey Esq. . . . Protestant

Thomas Tailler Esq. . . . Protestant

William Steevens Esq. . . . Protestant

William Diggs Esq. . . . Protestant

Henry Darnall Esq. . . .

Benjamin Rozer Esq. . . Prot: who dyed in June last.

The Names of the Collonels that command the foot forces
in the Tenn Countys of this Province.

Coll: Wil: Chandler A Protestant command the foote of
Charles County.

Coll: William Calvert a R. Cath: commands the foote of S^t
Marys County.

Coll: Henry Joles A Protestant commands the foote of Cal-
vert County.

Coll: William Burges a Protestant commands the foote of
Ann Arrundell County.

Coll: George Wells a Protestant commands the foote of
Baltimore County.

Coll: Henry Coursey a Protestant commands the foote raised
in Cecill and Kent Countys.

Coll: Vincent Lowe A R. Cath: commands the foote of Talbot
County.

Coll: William Colebourne a Protestant commands the foote
raised in Dorchester and Somerset Countys.

P. R. O. The names of such as command the Horse in the severall
Colonial Countys of Maryland.
Papers.
B. B.

Coll: William Steevens a Protestant commands the horse in
Somerset and Dorchester Countys.

Coll: Philæmon Lloyd Speaker of the Lower House of
Assembly a Protestant commands the horse of Talbot, Kent
and Cæcill Countys.

Coll: Thomas Tailler a Protestant commands the horse of
Baltimore, Ann Arrundell and part of Calvert County.

Coll: Henry Darnall a R. Cath: commands the horse of
Charles County, S^t Mary's County and the other part of
Calvert.

In these severall Countys there are Magazines which are
committed to the charge and care of the severall Collonells
that command the foote forces of each County The Armes
having been equally distributed into the severall Countys ever
since my returne from England last to the truth of all this the
whole Province can be my witness.

C. Baltimore

December the 27th 1681.

(Endorsed)

For M^r William Blathwayt
at White Hall.

B. C., p. 53

The oath of Fidelity to the Lord Proprietary

I A: B: doe swear that I will be true and faithfull soe long
as I shall be a member of this Province to the R^t Hon^{ble} Charles
Lord Baron of Baltmore Lord and Proprietary of this Province
of Maryland and the Islands thereunto belonging and to his
Heires Lords and Proprietary of the same and to his Lieu^t or
chief Gov^r here for the time being and will not at any time by
words or action in publick or in Private wittingly or willingly
any wayes derogate from but will at all times as occasion shall
require to the utmost of my Power defend and maintain all
such his said Lo^{ps} and his Heires just and Lawfull Right title
Interest Priviledge Iurisdiction Prerogatives Proprietary and
Dominion over and in the said Province and Islands thereunto
Belonging and over the People who are and shall be therein
for the time being as are granted to his said Lo^{ps} Father of
Noble Memory and his Heires by the late King of England in
his Lords^{ps} said Fathers Pattent of the said Province under the
great Seal of England not any Wayes understood to infringe
or prejudice Liberty of Conscience in Point of Religion. And
I doe alsoe swear that I will with all expedition discover to

his said Ld^p or to his Lieu^t or chief Gov^r for the time being and alsoe use my best endeavours to prevent any Plot conspiracy or combinatcon which I shall know or have just cause to suspect is or shall be intended against the person of his said Lord^{sp} or which shall tend any way to the disinherison or depravation of his said Lordsp or their heires their Right Title Jurisdiction and Dominion aforesaid or any part thereof and I doe swear that I will not either by myselfe or by any person or persons directly or indirectly take accept receive purchase or possess any Lands Tenements or Heriditaments within the said Province of Maryland or the Islands thereunto belonging from any Indian or Indians to any other use or uses but to the use of His said Lord^{ps} and His Heires Lords and Proprietarys of this Province or knowingly from any other person or persons not deriving a Legall title thereunto by from or under some grant from His said Lords^p or his heires Lords and Proprietarys of this Province Legally passed or to be passed under his or their great Seal of the said Province for the time being Soe help me God

P. R. O.
Colonial
Papers.
B. C.

For M^r William Blathwayt
at Whitehall.

P. R. O.
Colonial
Papers.

S^r

This is the Tryall of Josias Fendall a person that in the yeare 1659 was my Fathers Lieut: Gen^l and Chiefe Governor of Maryland but having most perfidiously broke his Commission and taking an other from the Country was fined and rendred for ever incapable of bearing any office in this Province which in those times was the utmost punishment my Fathers Justices would inflict on him since that he hath (when fitt occations presented) endeavoured a mutiny and truly this last July had almost brought matters ripe for it. In regard he was always esteamed a subtile cunning person and by most beleaved that, at his Tryall he would make a great defence I commanded the Clark of the Councill John Llewelin (who writes shorthand) to sit with the Clarke at the Provinciaall Court to take his Tryall for the satisfaction of persons here: and I am very glad it so happened; for by this means you now have this Tryall at length which I desire you'll offer to the view of the Lords of his Majesties most Hon^{ble} Privy Councill and in so doing you'll much oblige your humble servant

C. Baltimore.

22. January 1681.

(Endorsed)

15 November 1681.

Tryall of Fendall & others
Rec^d from my Lord Baltimore
the 15 April 1682.

P. R. O.
Colonial
Papers. S^r

32 January 1682.

I herewith send you the Tryalls of Cap^t Josias Fendall, Cap^t J^{no} Coode and Lieut George Godfrey desiring that my Lord Privy Seale and the Secretary of State may have the privy seale of them. The apprehending those three persons gave the occasion to my malicious enemies to report by letters from hence the last summer that I was violent against the Protestants here and that upon groundles jealousies and bare suspicions I had committed six or seaven Protestants: All which I hope upon these Tryalls will appeare to be malice against me and my Government. Had not these three persons been secured in time you would soon have heard of another Bacon and then possibly the wickedness of these fellows would have been charged to the Papists as designing to cutt of the Protestants under which pretence these persons began to act: Time, the mother of Truth will (I hope) remove those impressions which my enemies have endeavoured to beget in the Lords of the Council to my prejudice and I am very confident your kindnes will never be wanting to

y^r affec^{ate} friend & humble servant
C. Baltemore.

The enclosed letter is a Coppy of my former which I sent about three weeks since by a particular friend.

C. B.

Rec^d the 15th April 1682.
That herewith he hath sent the Tryalls of Fendall Coode and Geofryes and a Coppy of his last with a list of the officers of Maryland

For my ever esteemed friend
M^r W^m Blathwayt.
present

att
Whitehall

The Tryall of Cap^t Josias Fendall.

At a Provincial Court holden for the Right Hon^{ble} the Lord Prop^r at S^t Johns the 15th day of November Anno 1681.

Philip Calvert Chancel^r President
W^m Calvert Esq^{re} Sec^{ry}
The hon^{ble} Vincent Lowe Esq^{re} Survey^r Gen^{ll}

Justices present: Coll: Thomas Taillor
Coll: W^m Stevens
Cap^t William Digges.

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Set the Prisoner at the Barr—Thou art here indicted by the name of Josias Fendall late of Charles County Gent: for that thou not having the fear of God in thy heart nor weighing thy due obedience to the R^t hon^{ble} the Lord Prop^{ty} but seduced by the instigation of the Divell maliciously devising, contriving and attempting with force to raise a mutiny and sedition against the person of the said Prop^{ty} the 26th day of March in the sixth year of the Dominion of the said Lord Prop^{ty} &c: Annoq Dñi 1681: at Pickajawaxen in Charles County and at severall other times and places within the said County within the year aforesaid of thy own mutinous and seditious mind and imagination maliciously expressly and advisedly in the presence and hearing of diverse good people of this Province these false scandalous mutinous and seditious english words following of and concerning the said Lord Prop^{ty} didst say, speak, utter publish and rehearse (that is to say) that my Lord Prop^{ty} (meaning the R^t hon^{ble} the Lord Prop^{ty} of this Province) was Traytor and that you (meaning you the said Josias Fendall) could prove it, that people (the good people of this Province meaning) were fooles if they (meaning the said people) paid any Leavyes that you (you the said Josias again meaning) would bear them (the said people again meaning) out, if they did not and that it was no Treason that you (you the said Josias again meaning) hoped within few years to have more hon^r in the Country (meaning this Province then ever you (you the said Fendall meaning) had, that the people (meaning the said good people of this Province) might now say anything for it was no Treason: and that you the said Josias Fendall of your further malice being instigated as aforesaid and yet still further contriving and attempting with force to raise a mutiny and sedition against the person of the said Lord Prop^r the 11th day of May in the sixth year of the Dominion of the said Lord Prop^{ty} &c: Annoq Dñi 1681 at Pickajawaxen aforesaid in Charles County aforesaid and divers other daies and times between the said 11th day of May aforesaid and the 4th day of June then next following as well at Pickajawaxen aforesaid as elsewhere in Charles County aforesaid having communication with severall good people of this Province of and concerning the murder of severall persons, then lately by certain supposed Indians unknown murdered at or neer a certain place called point look out in S^t Michaels hundred in S^t Maries County in the Province aforesaid of your own mutinous and seditious mind and imagination falsly maliciously advisidly expressly in the presence and hearing of divers good people of this Province these other

P. R. O. Colonial Papers. false scandalous mutinous and seditious english words following, of and concerning the said Lord Prop^{ty} did say, speak, utter publish and rehearse (to is to say) that you (you the said Josias Fendall meaning) did beleive in your conscience the Paptists and Indians joyned together and that his Lordship the Lord Prop^{ty} nor the Chancelor would beleive any thing as the Indians did do but that my Lord (the said Lord Prop^{ty} meaning) and they (meaning the said Indians) together had a mind to destroy all the Protestants and that you the said Josias the 10th day of Aprill in the year of our Lord 1681. aforesaid at Pickajawaxen aforesaid in Charles County aforesaid of your own further malice being instigated as aforesaid did practice and attempt with one John Dent of S^t Maries County Gent: with force and armes to attempt the securing making sure and imprisonment of the persons of the said Lord Prop^{ty} and severall of his hon^{ble} Councill (that is to say) the hon^{ble} Philip Calvert Esq^{re} Chancelor of this Province William Calvert Esq^{re} principal secretary of this Province and Coll: Darnall to the great contempt scandall and derogation of the person and honour of the said Lord Prop^{ty} and to the subversion of the Government and state of this Province against the form of the Act of Assembly in this case made and provided

What sayst thou? art thou guilty of these false, scandalous mutinous seditious speeches practices and attempts whereof thou standst indicted or not guilty?

Fendall—Not guilty

Ct—How wilt thou be tryed?

Fendall—By my Country

Cler:—God send thee a good Deliverance.

Chancelor—It is only matter of form Cap^t Fendall, you had as good say, by God and your Country.

Fendall—Then, by God and my Country.

Chanc—Give the Clark leave so to enter it

Fendall—Yes he may

Clerk.—Cryer make Proclamation

Cryer.—You good men that be empanelled to enquire between the R^t hon^{ble} the Lord Prop^{ty} and the Prisoner at the Barr answer to your names, everyman at the first call upon pain and perill that shall fall thereon.

Clerk.—Call the Jury.

Cryer.—Cap^t Peter Sayer, Philip Lynes, Anthony Dawson John Richardson, William Hill, John Hungerford John Salisbury John Evans, James Peterkin William Stevens and William Mishen.

Clerk.—These good men that were last called and have appeared are those that shall pass between the R^t hon^{ble} the Lord Prop^{ty} and you—If therefore you will challenge them or

any of them you may challenge them as they come to the book to be sworn and you shall be heard.

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Fendall—I apprehend

Cryer.—If any man can inform his L^{ps} Justices, the Attorney Gen^l or this Inquest to be taken between the R^t hon^{ble} the Lord Prop^{ty} and the Prisoner at the Barr of any Treason Murder, Felony or other misdemeanour comitted or done by the Prisoner at the Barr let them come forth and they shall be heard for the Prisoner stands at the Barr upon his Deliverance.

Clerk.—Count them.

Cryer.—Cap^t Peter Sayer one &c:

Clerk.—Cap^t Peter Sayer you shall well and truly try and true deliverance make between the R^t hon^{ble} the Lord Prop^{ty} and the Prisoner at the Barr according to you evidence—So help you God.

Fendall.—hold I except against him

Chanc:—He is sworne

Fendall.—He is not sworne untill he hath kissed the book.

Chanc:—The oath has been read to him and his hand upon the book all the while signifies his assent

Just. Tailler—You ought to have made your Objection as he came to the book before the Oath had been read.

Fendall—I do not readily apprehend what he was.

Chanc.—It is too late to object or make exceptions when the words of the Oath are read and the persons hand on the book, pray the opinion of the Board.

Just. Lowe—You shall well and trueely try and true deliverance make &c. The essential part of which oath is when the words are pronounced and the kissing of the book but the formall part

Just. Digges—I am of that opinion and that the Juror is sworne.

Just. Stevens—Lett him have another

Scry:—The words pronounced are the essential part of the Oath the kissing the book only matter of Forme.

Sayer—I humbly pray the exception may be admitted

Just. Lowe—As matter of Favour such a Request may be granted.

Fendall—I beg it not as matter of Favour but as matter of Law.

Chanc:—In favour to the prisoner notwithstanding we think the Juror is duely sworne yet we are willing to dismiss Sayer.

Sayer—I humbly thank you.

Scry.—Swear the next

Clerk.—Philip Lynes

Lynes—Here

Chanc:—Cap^t Fendall if you have any objections to make speak first before he comes to the book.

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Fendall—I make none

Ct—You shall well and truly try &c^a

Ct—Anthony Dawson

Daws:—Here

Fendall—Are you a Catholick or a Protestant

Daws:—It is hard to answer

Fendall—I make bold to ask

Daw:—I am a Protestant

Fendall.—I make no exceptions

Ct—You shall well and truly try &c^a

Ct—John Richardson

Richard—Here

Fendall—Are you a Catholick or a Protestant?

Rich:—A Protestant

Fendall—I make no objection

Ct—You shall well and truly try &c^a

Ct—William Hill

Hill—Here

Fendall—I ask you the same Question

Hill—I know not that I am bound to give an Account here

Just Tailler—But you may give that satisfaction to the Prisoner.

Hill—I am a Protestant

Fendall—I am content

Clerk—You shall well and truly try &c^a

Ct—John Hungerford

Hung:—Here

Fendall—What are you?

Hung:—I am not bound to tell

Fendall—It is but a small request I desire to be satisfied.

Hung:—I am a Catholick

Fend^{ll}—If you be a Roman Catholick I except against you.

Hung:—I am a Roman Catholick

Court—He is dismissd

Ct—Joseph Serjeant

Serj:—I am sick and weak not able to serve

Chanc:—What say you Gentlemen of the Jury

Jur:—He is very weak and we think him not capable to serve.

Court.—Dismiss him and call another

Ct—John Salisbury.

Sal:—Here

Fendall—Are you a Protestant?

Sal:—Yes

Fendall—I except not

Ct—John Evans

Fend^{ll}—Are you a Protestant

Evans—Yes I am

Fendⁿ—I am content

Cl:—James Peterkin

Fendⁿ—Are you a Protestant

Pet:—Yes

Cl:—William Stevens

Fendⁿ—You are Protestant

Stev:—Yes

Cl:—William Miskin

Fendall—Are you a Protestant?

Mis:—Yes

Cl:—William Hemsley

Fendⁿ—Are you a Protestant? I make no exception.

Hems:—I am a Catholick

Fendⁿ—I cry mercy then I except

Chanc:—You first admitted him then afterward make your exceptions which is not fair

Fendall—I was mistaken in his religion

Court—In favour he is dismissed.

Cerk—William Smith

Fendⁿ—Good I make no exceptions

Cl:—William Smithson

Fendall—I except against him

Chanc:—You except aga^t him for Religion that has hardly any

Cl:—James Stavely

—He is gone

Court—Call another

Clerk.—Charles Cooper

Fendⁿ—I make no exceptions

(The Croud naming Jurors to
the Sheriff who was to return
a Tales sayes the

Chanc:—I do not think it a fair return for any person to nominate a Juror but the Sheriff himself who is to make the returne.

Sher:—Roderick LLoyd

Clerk.—Rod: LLoyd

LLoyd.—Here

Fendall—I object not

Cl:—You shall well and truly try &c^a

Cl:—Count them

Cryer—Philip Lynes one &c^a 12 good men and true stand together and hear your Evidence

Cl:—Are you all sworn

Jur:—Yes.

Cl:—Josias Fendall hold up thy hand at the Barr.

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to the Jury) Look upon the Prisoner you that are sworn and hearken to his cause, you shall understand that he stands indicted by the name of Josias Fendall late of Charles County Gent: for that &c^a (ut Indictm^t fo: 1^s) upon his Indictm^t he hath pleaded not guilty and for his Tryall hath put himself upon God and his Country which Country you are so that your charge is to enquire whether he be guilty of those false scandalous mutinous and seditious speeches practices and attempts whereof he stands indicted or not guilty If you find him guilty you shall enquire what Lands Tenem^{ts} goods or chattels he had at the tyme he comitted the same or at any tyme sythence If you find him not guilty then shall you enquire if he did fly for it If you find that he did fly for it Then shall you enquire what goods or chattels he had at the tyme when he did fly for it or at any time sithence. If you find him not guilty nor that he did fly for it say so and nō more, and hear your Evidence.

Clk—John Bright

Att: Gen^l—Call first Boyden and Taylor

Fendall—I should have had due notice of my Tryall that I might have provided my evidence w^{ch} I have been prevented in by being kept close prisoner without knowledge of either my charge or the persons in evidence against me.

Chanc:—What you have alleadged (if it might make for your advantage) should have been urged before the Jury had been sworn but by consenting thereunto you have submitted to your Tryall neither in Truth can you plead Ignorance for that you very well know the last Court your Tryall was deferred by reason of the absence of some of the Justices who were wanting to make a full Court and then you had notice given you that you should come to Tryall this very Court

Fend^{ll}—True, but still I knew not my Evidence nor Crime

Chanc:—It was not at all convenient for you to know all the Evidence but most of their depositions were read to you before the Councell.

Just. Tailler—If you had known the Evidence you would have known what they had to say against you and taken them off by your Influence upon the people in that County where they dwelt.

Chanc.—To end the dispute, the short and the long is this You have suffered the Jurors to be sworne, have had Liberty to except and have made your excepcōns which have been allowed of much in your favour you must now proceed to your Tryall.

Just. Tailler—Cap^t Fendall you have by that put yourself now upon your Tryall

Fend^{ll}—If I must be so surprised I cannot help it, but this I

can say and alledge that the persons impeached for the plot have had that Liberty granted them to produce their Evidence.

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Chanc:—So have you, but they have not had given them the same of what the Evidences could swear against them before they came to Tryall.

Att: Gen^l—Every man accused is presumed to know what he has done.

Fend^l—Still I am surprised If I cannot have liberty to provide my evidences and be made sensible of my charge.

Chanc:—Never was prisoner brought to a Barr Copes given him of what might be brought in Evidence ag^t him and if this be all you have to say it is not reason sufficient to putt off your Tryall any longer.—We must proceed.

Att: Gen^l—Call William Boyden

Cl:—William Boyden—The Evidence that you shall give to the Court and the Jury in behalf of the R^t Hon^{ble} the Lord Prop^{ry} against the Prisoner at the Barr shall be the Truth, the whole Truth and nothing but the Truth according to the best of your knowledge—So help you God.

Att: Gen^l—Tell the Court and the Jury what you have to say ag^t the prisoner at the Barr.

Boyden.—About two years since Cap^t Fendall being at my house told me that he had all the late proceedings in England at home at his house that my Lord was a Traytor and he could prove it, that people were fooles if they paid Taxes and he would bear them out in it if they did not he also then said now is the time for people to speak their minds and say anything for it was no Treason and he hoped within a few years to have more hon^r in the Country than ever he had. On the Sunday after Fendall was taken Robert Middleton told me in presence of severall others that Cap^t Fendall was now going to call my Lord to an acc^t and it was high tyme so to do, soon after Cap^t Fendall was taken att the request of Lieut: George Godfrey and others I went down to Cap^t Fendall's house to enquire whether he were kept prisoner or not and to let him know if I saw him that George Godfrey with his Troop were ready to serve him, but Cap^t Fendall was then in Custody as I was informed and not returned home, I lay that night with one M^r Thomas who told me that Samuel Fendall was then gone over into Virginia for some men to assist his Brother out of prison.

Fendall—Boyden has taken the wisest course and serves me as he has done Godfrey knows himself guilty and to slip his own neck out of the collar lays it upon others.

Chanc:—Cap^t Fendall you must understand that the method of this Court in these cases is first to hear the Evidences distinctly without interruption what they had to say and then the Prisoner.

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Fendall.—I submit, they may proceed

Att: Gen^l—Call William Taylor

Cl:—William Taylor The Evidence that you shall give &c^a

Att: Gen^l—Inform the Court and the Jury what you can concerning the Prisoner at the Barr

Taylor—About two years since Cap^t Fendall being at my house I heard him say that now it was no Treason for people to say any thing

Chanc:—Did you not hear him say they were fooles to pay any Taxes

Taylor—No not any thing more (may it please your hon^r) then that it was no Treason to say any thing But I heard Robert Middleton say that there was a great disturbance up the Bay concerning those Letters Daniel Matthena talked off and Cap^t Fendall was now going to call my Lord to an Acc^t and it was high time. This was Sunday after Fendall was taken.

Att: Gen^l—Call John Bright and Izabella Bright.

Cl:—John Bright, Izabella Bright The Evidence that you shall give &c^a

Att:—Acquaint the Court and the Jury with what you can concerning the Prisoner at the Barr.

Jo: Bright—May it please your Hon^r about the 11th of May last I was employed by Cap^t Fend^l to mark some Railes for him at his plantacōn in Charles County where I wrought till the 4th of June within which tyme I have severall tymes heard Cap^t Fendall (in comōn discourse concerning the Indians and particularly about the family that were murdered neer Point Look out) say he believed in his conscience the Paptists and Indians joined together and that neither his L^p nor the Chancellor would beleive any thing as the Indians did but my Lord did uphold them in what they did and my Lord and they together had a mind to destroy all the Protestants or words to that effect.

Chanc:—But did not you hear Fendall say what need you go for land to the Southward here would be enough shortly to be gotten here.

Att:—Do you not remember some such discourse.

Jo: Bright—Very well I do, I having a design to go to the Southward with my Wife and Family I bought a boat of Cap^t Fendall to carry us thither Cap^t Fendall used arguments to diswade us from going thither to which I answered him S^r you know I have a great Charge a Wife and four small children and I cannot get a piece of land here in Maryland I must go seek out to the Southward where is more plenty John (says Cap^t Fendall) stay but a little while here and there will be land enough for us all one of these daies S^r said I how can that be why says Cap^t Fendall all the King and Parliament in England

are at warrs and there are no established Laws in England, no Baltimore will be Prop^y here long so you need not fear land enough here in a short tyme, But notwithstanding all this discourse I resolved to go to the Southward and desired Cap^t Fendall to give me a note under his hand that I had honestly paid him for his boat he told me he was then going on board and when he returned he would at last I got his note and on Saturday the 2^d of July I set off with my Wife and children on my voyage to the Southward and the winds proving cross we were forced into Nomony in Virginia where we went to one M^r Randall Kirkes who asked us from whence we came, I answered from Cap^t Fendalls Kirk told us that Fendall had been over there two or three daies with Cap^t Cood at Coll: Spencers their business being to advise with Coll: Spencer what they should do for that the Paptists and Indians were joined together the said Kirk told us that Cap^t Fendall had desired leave of Coll: Spencer to bring his Wife and Family thither but Madam Spencer was unwilling to let them come because she would not disobey my Lord Prop^y or words to that effect we stayed at Kirks one night and on Sunday after dinner we went to Coll: Spencers Point and lay there that night where also we heard that Fendall and Cood had been there but not to pass over, Kirk told us that he saw them at Coll: Spencers and that Coll: Spencer being asked his advice by Fendall and Cood what they should best do after saying they would have a brush with the papists Coll: Spencer advised them not to meddle in the business but let them alone and be quiet at home and such like words but the general discourse there was amongst the people about Fendall bringing his Wife and Children to Coll: Spencers and Cap^t Cood his Wife and children to M^r Hardwicks. On Monday we went forwards on our intended voyage and were forced to put into Herring Creek in S^t Georges where we met with one John Wynn who enquired of us news, said I news bad, but he replied here is news bad enough There has been a Family cut off at point lookout and we are forced to keep watch and ward night and day expecting every hour to be cut off by the Indians and Papists together I asked how he heard that news oh said he Cap^t Fendall was this way as he went to Coll: Spencers and intends to stirr in it to prevent the Pretestants being destroyed, I asked Wynn how can Fendall raise men where is his power or comission To which Wynn replied that he knew his own power well enough he could have men enough when he pleased for he had once a Week or Fortnight intelligence from the Eastern shore and all parts of the Country or words to the same effect.

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Att: Genl:—Izabella Bright Let the Court and the Jury hear

P. R. O. what you have to say concerning Cap^t Fendall prisoner at the
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Clerk—Izabella Bright The Evidence that you shall give &c^a

Iz: Bright—I was present by with my husband and heard the same passages he had already given y^r hon^{rs} I heard him say that the Paptists and Indians were joined together to cutt off the Protestants and that my husband need not go to the Southward for land, here would be land enough for us shortly for King and Parliament in England were at warrs I likewise heard Kirk say that Fendall and Coode had been over there to advise with Coll: Spencer and that the frequent discourse there was Fendalls bringing over his Wife and children to Coll: Spencers and Coode his Wife and children to Hardwicks, John Wynn also said in my hearing that they had bad news a Family lately cutt off at point look out and they were forced to watch and ward night and day for fear of Papists and Indians together and that Cap^t Fendall intended to stirr in it for he could have men enough having constant intelligence every week or fortnight from the Eastern shore and all parts of the Country or to that effect.

Just. Lowe—Did you hear Cap^t Fendall say that the Papists and Indians were joined together to cutt off the Protestants.

Izabel—Yes (may it please y^r hon^r) I did so

Court.—Shee has so declared already

Att: Gen^l—M^r John Dent Let him be heard

Cl:—John Dent The Evidence that you shall give &c

Dent—May it please y^r Hon^r I have for my own satisfaction and the ease of my mind collected in a piece of paper the sume and substance of what I have to say which I humbly request I may be admitted to read as my Evidence,

Court.—It is granted you may read it

Dent—About the Spring of the year to the best of my Remembrance having been to M^r Hatches house and bound home in my way upon the road in the Woods neer John Gooches house I met with Cap^t Fendall who (after very kind salutations) asked me how I did he was glad to see me wondered he had not seen me at his house at the store But at length saies Cap^t Fendall what news M^r Dent truly replied I, I live in the Forrest where we have little or no news stirring, what saies Cap^t Fendall do you hear no news of the Indians of the Papists joyning with the Sunquo Indians have you not heard of a track of two Indians lately seen in the snow, whereunto I professed myself a stranger (as indeed I then was) saies Cap^t Fendall it is reported that the Paptists joyn with the Indians and truly I question what should be the meaning of that track do you not hear said he what my Lord has done? No replied I what is

it? Why said he you are sensible of the trouble I have had and been forced to fly my house but since have rec^d a note from my Lord to return again or to the like effect pulling a Note out of his pocket but did not read it and so soon said he as my Lord knew that I was come to my house he sent a party of men to apprehend me and further said he if but four or five of them (naming my Lord the Chancelor the Scry and Coll: Darnall) saying also I know not what that Talbot is) were made sure the rest of the Papists signified nothing but said I you should stay till you have a Comission out of England he then replied it would be too late and then we fell again into discourse of the Indians and I asked him Cap^t Fendall what is your Opinion what do you think of it truly said he I know not what to guess but that the Papists and Indians joyn together whereupon I broke with him saying Cap^t Fendall this is plain Rebellion and so we parted.

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Fend^l.—You were a Justice of the Peace if any such thing had been It had been y^r Duty to have informed his L^p but that you have not done untill now since I have been apprehended

Dent.—I did acquaint another Justice of the Peace with it.

Att: Gen^l.—Robert Middleton what can you say let the Court and the Jury hear you

Midd.—I upon Oath do say that what has been declared by Boyden and Taylor that I should report that Cap^t Fendall was gone to call my Lord to an Acc^t and that it was high tyme to do so is altogether thereto untrue

Court.—If you are Evidence for the Lord Prop^{ry} you are not then for the prisoner speak to the business what you know in behalf of his L^p against the prisoner at the Barr.

Midd.—I have nothing to say against him.

Fendall—I humbly desire to have the Evidences delivered me.

Court.—You are bound to deliver it.

Fendall—Who is the first.

Chanc.—Boyden is the first.

Fendall—I was going up to Waujany to Boyden's house knowing him to be acquainted in these parts and intended to get him to shew me some land falling into discourse concerning the times saies Boyden, if you will but undertake to alter things as now they are I will undertake to bring you in a daies tyme forty men all at your service and you need not fear a great many more Now this man fearing this might come in against him was resolved to prevent it by crying whore first and fathering his own Crimes upon others; and this I am ready to prove. I pray call Richard Beamont.

Ct.—Richard Beamont

Fendall—Pray let him be sworne,

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Court.—We may hear what he can say but he cannot be sworn against the Lord Prop^{ty}

Rich: Beamont—I did hear Boyden tell Cap^t Fendall that if he had occasion for forty or fifty men he could help him to them in a daies tyme to the best of my Remembrance it is about 3 years since but cannot exactly say.

Court.—For what occasion did Boyden make Cap^t Boyden Fendall that Tender?

Bea:—I cannot say.

Chanc:—Have you any other Evidence?

Fend^l—Not as to Boyden.

Chanc:—Have you any other Evidence as to the maine matter in hand.

Fend^l—Yes here is Hugh Gardiner and his Wife

Izabell Bright—Cap^t Fendall if you call any Witnesses against me call an honest Woman and not one that have been your Whore.

Court.—Hugh Gardiner what can you say?

Hugh Gard:—John Bright and his Wife living upon the same plantation with me and having been over at Notley Hall with my Lord about some business between them and Cap^t Fendall as they returned put into my house I asked them what they had done Brights Wife fell outragiously railing against Fendall and said he was a Rogue and they would way lay him and pistol him, and saies John Bright tis no matter if they did for my Lord would not care how soon he were dispatched out of the way Why said I if a man killed a Negro he will be hanged, Yea saies John Bright My Lord will sooner hang a man for killing a Negro or an Indian than for killing Captain Fendall When the report was that the Papists and Indians were Confederates together to destroy the Protestants my Wife was very fearfull and at her importunities I requested Cap^t Fendall to let us come to his house telling my Wife was afraid to live where she did for the reasons aforesaid To which Cap^t Fendall replied oh never fear any such thing never think that my Lord being a wise and discreet man and a man of judgment will ever joyn with the heathen to cutt off the Christians or words to the same effect.

Gardiner's Wife—John Bright and his Wife when they came from Notley Hall called in at our house where my husband having asked them what news Izabelle fell a railing at Cap^t Fendall calling him knave and Rogue and Mad^m Fendall salt whore and salt Bitch and if ever they could meet conveniently with the Cap^t they would way lay him and destroy him both my husband and I told said Izabelle my Lord would be very glad Fendall was taken away for he was an ill man and they should not be called in question if they killed him.

Fendall—I was made acquainted with it soon after but took no notice of it more than to be their passionate expressions and should not have minded it only now finding these persons my Accusers I thought fit to make use of it. As for M^r Dent and his Evidence I can say that himself was the person that told me the poplar hill people were all afraid of being cut off every moment by the Papists and Indians and that they themselves were in the same condition and were forced to keep guard night and day and now he has inverted the scene and to save himself throws it upon me—But I desire Edward Slade may be called he will inform the Court and the Jury concerning Bright and his Wife.

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Cl:—Edward Slade!

Slade—Sometimes in the Summer I went to Richard Alwood's house where I met with John Bright and his Wife with whom falling into discourse I asked them where they lived they said they had lived at Cap^t Fendall's and fell a railing at him calling him knave and said he had cheated them out of their Tobacco and such like scurrilous language and said John Bright for a hogs head of Tobacco I would hang him if he be cleared.

Bright—I said that if he were condemned to dye rather than he should want a hangman I would hang him myself I had been so great a sufferer by him.

Chanc:—To the business Cap^t Fendall have you anything else to say?

Fend^{ll}—If I could see M^r Dents evidence which himself could not well remember it contains a great deal and I desire it may be repeated.

Court—M^r Dent read it again.

Dent—Reads it again

Just. Tailler—Now you remember it Cap^t Fendall?

Fend^{ll}—Yes S^r I do so, the main matter against me therein I humbly conceive wherewith he taxes me is for saying that if my Lord and four or five men were made sure that then &c^a and so stopps I desire to know what may be the penalty of such words if they had really been spoken.

Chanc:—You shall know in due time, the words being proved.

Fend^{ll}—Gentlemen of the Jury I desire you to observe here is but one Evidence and the time not named.

Att: Gen^l—The words spoken are sufficiently proved neither is my Lord obliged to a day.

Fend^{ll}—But I conceive the tyme ought to be ascertained for this Reason possibly at the same tyme when the Evidence alledges the Words were spoken I may then prove myself to be in another place.

P. R. O. Court—You have here in Court owned yourself that you
Colonial met him.
Papers.

Fend^l—I deny it not, but that I said those words.

Chanc:—It is sworn by a man of credit and a Protestant, have you any more to say.

Fend^l—I have done.

Chanc:—Cap^t Fendall you stand indicted for mutinous and seditious speeches practices and attempts ag^t the person of the Lord Prop^{ty} to the subversion of the State and Government of this Province.

Fend^l—Nothing of it is proved.

Chanc:—Give me leave to speak S^r.

Fend^l—I understood you spoke to me

Chanc:—So I did to the Jury pray let me go on.

Fend^l—I submit

Chanc:—Here is Boyden proves Cap^t Fendall called my Lord Traytor and said he could prove it that people were Fools if they paid Taxes and he would bear them out if they did not that now was the time for people to speak their minds and say anything it was no Treason words I think sufficiently mutinous and seditious and what the words bearing out can make but force I leave to any Judgm^t There is Bright another Evidence that swears that Cap^t Fendall said he believed in his Conscience the Papists and Indians did confederate together when the people were cut off at Point Lookout and this in his common discourse, that my Lord did uphold the Indians in what they did, what tends this to but Mutiny and Sedition, But he need not go to the Southward for land The King and Parliament in England were at Warrs and here would be land enough shortly for them all which words cannot well be construed without force intended to be used; Here is likewise M^r Dent swears to the words spoken of the papists and Indians joyning together and that if my Lord and four or five more were secured then—what can this mean but force, here are severall overt acts to make good to make good the Indictm^t If only one be proved by one Witness and another by another though there be not two Witnesses to one and the same part yet if there be more than one to prove the several parts or overt acts it is sufficient

Chanc:—You Gentlemen of the Jury you have heard the charge against the Prisoner as also the severall Evidences and the Prisoner's defence to prove the mutinous and seditious words spoken by the prisoner you have heard Boyden say &c^a as also Taylor Bright and his Wife and M^r Dent who all swear to the words, particularly Boyden that the people were fools if they paid Taxes and he the said Fendall would bear them out if they did not what bearing out could mean without force

pray consider and Mr Dent likewise swears that if but my Lord and four or five more were secured—which way could that be done but with force, here are severall overt acts and five Evidences to prove them though not all of them to one particular part I think sufficient to make good the Indictm^t

P. Lynes Foreman—We desire to have the Act of Assembly with us to see what it directs.

Court.—You have not to do with that you have only to find whether or no the words have been spoken accordingly as the Prisoner is charged, you are not to muse yourselves with matter of Law but you are to enquire into matter of fact.

Fendall—That is a charge for a grand Jury

Chanc:—It is properly before this Jury they have nothing more to do then to enquire into matter of fact whither such and such things have been done or not the rest lyes before the Court the Grand Jury having only found such an Information fit to be prosecuted and left it to the petit Jury to try it.

Fendall—This had not been known.

Cl:—Sheriff, an Officer here to attend the Jury.

Sher:—Edmund Dennis

Cl:—You shall &c^a

Chanc: as the Jury are going out—I am to tell you that if you cannot find the Indictm^t as it is laid you may if you think fitt find specially—

Jury go out

They return—

Cl:—Philip Lynes &c^a are you agreed of your Verdict, who shall say for you

Jur:—Our Foreman.

Cl:—Josias Fendall hold up thy hand at the barr— Look upon the prisoner you shall be sworne what say you is he guilty of that whereof he stands indicted or not guilty

Jur: give in their Verdict

Cl: reads—We find Josias Fendall guilty of speaking severall seditious words without force or practice and if the hon^{ble} Court think him guilty of the breach of the Act of Assembly we do or else not

And so you say all.

Jur:—Yes

Cl:—Take away the Prisoner Sheriff the Court will consider till tomorrow

November the 16th 1681.

The Court being sate Cap^t Fendall was called to the Barr.

Chanc:—Cap^t Fendall you were yesterday arraigned at this Barr for mutinous and seditious speeches practices and attempts

P. R. O. ag^t the person of the R^t Hon^{ble} the Lord Prop^{ry} and to the sub-
Colonial version of the state and Govern^t of this Province upon your
Papers. arraigm^t you pleaded not guilty and for your tryall put your-
self upon your Country which Country have found you guilty
of seditious words by you spoken and if this Court thought
you guilty of the breach of the Act of Assembly they thought
so. We have duly weighed and considered it by ourselves
and do find as great a breach of the Act as possible can be
without force to make it good I am therefore to pronounce
to you your sentence thus to be That you pay unto the R^t
Hon^{ble} the Lord Prop^{ry} the sum of Forty thousand pounds of
Tobacco for a Fine Be kept in safe custody at your own
proper costes and charges untill you shall have paid the same
and after the same is paid to be for ever banished out of this
Province.

Just. Tailler—The offence has been so great that unless we
should (on purpose to encourage offenders of the like nature
to pursue such evil consequences) wholly remit and take no
notice of a crime of so high a nature as this We could not have
done more in favour of the Prisoner than now is and I think
the sentence mitigated with all the Moderation possible.

Scry—Capt Fendall your best way is to endeavour the speedy
payment of the Fine or giving Security for the same so soon
as possible you can that you may be remitted from the other
part of your sentence of lying in prison at your own proper
costs and charges till that be done. The sentence is as favour-
able as could be expected The Law of our Province would
have allowed boaring of the Tongue cropping one or both
Ears and other corporall punishments but wee have forborne
that and taken this moderate and less shamefull way of
punishm^t

Chanc:—Sheriff take away the Prisoner and take care of him.
Philip Calvert.

Att a Prouinciall Court Held at the Citty of s^t Maryes In
the Province of Maryland The Eight Day of Nouember in the
Sixth yeare of the Dominion of the Right honnorable Charles
Lord Baltemore: Absolute Lord and Proprietary of the said
Province &c^a Annō Dominj 1681. and there continued untill
the Nineteenth Day of the same month of Nouember Before
his Lordsp^{ps} Justices thereunto assigned—for the keeping of
the Peace of this Province and moreover for the hearing and
Determining of Diuers fellonyes murthers Transgressions and
other misdeeds in the said Province perpetrated and com-
mitted &c:

Present

The Honorable { Philip Caluert Esq^{re} Chancellor
William Caluert Esq^{re} Secretary
Thomas Taillor Esq^{re}
Williams Steeuens Esq^{re}
William Diggs Esq^{re} }

P. R. O.
Colonial
Papers.

November
the 8th 1681.

Cap^t John Coode of St Maryes County being bound by a Recognizance for his good abearance and appearance here this day to answer to such things as on the Behalfe of the Lord Prop^{ty} of this Province shall be objected against him the said John Coode did appear here this day to saue himselfe and his Bayle and is by the Court here ordered to find good security for his good abearance and appearance here to-morrow at nine a Clock in the Morning to answer to such things as on the Behalfe of his said Lordsp^{pp} the Lord Prop^{ty} shall be objected against him and the said John Coode came then into Court with William Theobalds of Charles County Gent^l his surety and the said John Coode did acknowledge himself to owe unto his Lordsp^{pp} the Lord Prop^{ty} of this Province the summe of one hundred pounds sterl: and the said William Theobalds the summe of fifty Pounds sterling to be leauyed of and upon the Goods Chattles Lands and Tene-ments of each of them to his said Lordsp^{pp}s Use if the said John Coode shall not make his personall appearance here to-morrow morning by Nine of the Clock to answer to such things as shall be objected against him on the Behalfe of his said Lordsp^{pp} the Lord Prop^{ty} and in the mean time be of good abearance as well towards his said Lordsp^{pp} the Lord Prop^{ty} as to all other the good people of this Province. On which said morrow morning at nine a Clock to witt the Eleaventh day of Nouember aforesaid the said John Coode made his personall appearance in the Court here according to the recognizance aforesaid and thereby discharged himselfe and his Bayle and it is ordered by the Court here that the said John Coode make his personall appearance here to morrow morning by tenn of the Clock to answer to such things as shall be objected against him as aforesaid and the Court here sendeth to the Lower house of assembly now sitting this Writeing following viz:—

M^r Speaker

Cap^t Coode being a Member of your house now sitting and bound ouer to answer an Indictment of Mutiny and sedition is this day to appeare (as I doubt not but that he will) Regularly ought to be put into the hands of the Sheriff I thought I was bound to pay this respect to the Lower house to inform them of it and to desire them that they will not construe it any Breach

P. R. O. of their Priueledge if we demand security of him to appeare
Colonial from day to day till his conuiction or acquittall, or upon Re-
Papers. fusall to give security we should commit him unless the Lower
house will give us their word for his appearance, I rest your
humble servant

Philip Calvert.

November 11th 1681.
From the Prouinciall Court.

And the Delegates of the Lower house of Assembly returne
to the Justices of the Prouinciall Court this writing following
viz:—

Lower house of Assembly November the 11th 1681.

This house take in good part the respect showne them by
his honnor the Chancellor and the rest of the Justices of the
Prouinciall Court and to demonstrate that they were not be-
hind hand with theirs did give the same leave of this house
to Cap^t Coode to appeare this morning at the Prouinciall
Court in order to his Tryall and are still contented therein at
such time as the Court desires it and in confidence that Giueing
the word of this house for his appearance will not be any ways
construed to fauour and countenance the crimes layd to his
Charge but meerly respect to Cap^t Coode as a Member of this
house doe passe their word for his appearance accordingly
dureing the sitting of this house, your honn^{rs} most humble
seruant

Philæmon Lloyd Speaker

To the Honorable
the Chancellor and
the rest of the Justices
of the Prouinciall Court:

The Jurors for the Right Honorable the Lord Prop^{ty} of this
Province doe present that John Coode late of s^t Maryes
County in the Province aforesaid Gentleman the seauenth Day
of May in the sixth yeare of the Dominion of the said Lord
Prop^{ty} &c: Anno Dom: 1681. at the house of one Nehe-
miah Blackiston scituate in s^t Maryes County aforesaid Mali-
ciously contriueing practicing and attempting to diuert the
obedience of the people from the said Lord Prop^{ty} to raise a
Mutiny and sedition in the said Province haueing a communi-
cation with one Collen Mackensy of said John Coode then
and there of his own mutinous and seditious Mind and Imagi-
nation falsely and maliciously expressly and aduisedly in the
presence and hearing of diuers good people of this Province
these false scandalous, mutinous and seditious English words

following then and there did speak utter publish and rehearse (that is to say) what deull need you (the said Mackensy meaning) trouble yourselfe with land there is never a Papist in Maryland will have a foote of Land within this foure months and that the Sinique Indians would doe you (the said Mackensy meaning) noe good for he (the said John Coode meaning) had tenn thousand men at command when he (the same John Coode meaning) pleased and that he (the said John Coode likewise meaning) could make it high water (meaning a disturbance in the Province) when he (the same John Coode meaning) pleased and that the said John Coode of his further malicious Contrivance Practice and attempts as aforesaid the tenth day of July in the yeare aforesaid having communication with one Samuel Dobson of the same County Planter of and concerning the Murder of one Thomas Potter and other persons then lately by supposed Indians unknown murdered at or neer a certaine place called Point lookout in the said County of s^t Maryes in the Province aforesaid he the same Samuel Dobson alledging that the said Potter and his Companions were murdered as he the said Samuel Dobson then thought by Indians the said John Coode did thereupon of his further Malice mutinously and seditiously reply then and there these other mutinous and seditious English words following in the hearing of diuers good people of this Province and the same did falsely and maliciously speak utter publish and ascert (that is to say) noc they were (the said Potter and his Companions meaning) not murdered by Indians but weré murdered by Christians to the great disturbance of the Peace &c: and against the form of the act of Assembly in this case made and provided.

On the Backside of the afoegoeing Presentment was by the Grand Inquest Endorsed
Billa Vera.

Vpon which Presentment the aforesaid John Coode was Indicted upon his Indictment arraigned and upon his Arraignment Pleaded Not Guilty and for his Tryall putt himselfe upon God and the Country and Thomas Burford Attorney Generall for the said Lord Prop^{ty} Likewise therefore it is commanded the Sheriff of s^t Maryes County that he cause to come here twelve &c^a Now here at this Day to witt the sixteenth Day of November in the sixth yeare of the Dominion of the R^t honn^{ble} Charles Lord Baltemore &c: Anno Dom: 1681. Came the said Thomas Burford Attorney Generall for the said Lord Prop^{ty} and the said John Coode was sett to the Barr and the Jurors impannelled being called likewise came (to witt) Philip Lynes Anthony Dawson, John Richardson William Hill, John Evans William Steeuens William Mishew William Smith Rhoderick

P. R. O. Lloyd Vincent Mansfield Henry Exon John Paler who being
Colonial elected Cryed and sworne to say the truth in the Premises
Papers. upon their Oaths doe say that the said John Coode is not
guilty of the Crimes whereof he stands indicted And then the
Chancellor said to the said John Coode these words following—Cap^m Coode your Country hath quitted you and now lett
me give you some aduice I would have you for the future to
loue your quiet quiet better then your Jest The words spoken
to Mackensy it seemed were spoken at a feast when you
were all well heated and you loue to amaze the Ignorant and
make sport with your witt at most times and therefore tis noe
wonder at that time you did not well weigh the circumstances
of time and other mens actings then that gaue the Gouvernment
just cause to suspect you were of the same tribe with Fendall
especially when you were obserued then to vizit one another
and make vizits to others Let me tell you mens tongues
oftener sett their feet to work then their hands doe and
therefore keepe a Guard upon your Tongue to which Cap^m
Coode replied I humbly thank you for your aduice and shall
follow it for I confess Circumstances considered the Govern-
ment had just cause to commit me though my meeting with
Cap^t Fendall was meerly accidentall when we went over to
Collonell Spencers after which he deliuered a letter to the
Chancellor from Collonell Spencer—Whereupon it is ordered
by the Court here that the said John Coode giue security for
his good abearance and appearance at the next Prouinciall
Court.

On which said sixteenth Day of Nouember aforesaid came
the said John Coode with Nehemiah Blackiston of s^t Maryes
County his Surety and the said John Coode acknowledged
himselfe to owe unto his said Lordsp^p the Lord Prop^{ty} of this
Prouince the summe of one hundred pounds sterling and the
said Nehemiah Blackiston the summe of fifty pounds sterling
to be leauyed of and upon the goods Chattells Lands and
Tenements of each of them respectiue to his said Lordships
use, if the said John Coode shall not make his personall ap-
pearance at the next provinciall Court to be held at the City
of S^t Maryes the Eight and twentieth day of February next
and in the mean time be of good abearance as well towards
his said Lordsp^p the said Prop^{ty} as to all other the good People
of this his Lordsp^p Province.

Mary-land ss.

The Jurors for the Right honn^{ble} the Lord Prop^{ty} of this
Province doe present that George Godfrey late of Charles
County in the Province aforesaid Planter and other Rebels
to the said Lord Prop^{ty} &c: the seaventeenth day of July in the

sixth yeare of the Dominion of the said Lord Prop^{ty} &c: anno Dom: 1681. Haveing not the feare of God before their Eyes but being moued by the Instigation of the Deuill their due obedience to the said Lord Prop^{ty} not regarding but Intending and maliciously contriuing one Josias Fendall late of Charles County Gentleman then for severall high misdemeanors, that is to say for mutinous speeches practices and attempts with force against the person of the said Lord Prop^{ty} his peace and Government committed lawfully imprisoned and in Custody at Mattapany in Caluert County in the Province aforesaid the being to rescue and sett at large to make Rebellious Insurrections in the said Prouince and the said Lord Prop^{ty} in his Dominion and Government ouer the said Province to disturb and the same Government at their wills and pleasures to alter with force and arms (that is to say) swords, pistolls Gunns and other weapons as well offensive as defensive in Warlike manner armed and arrayed the said seaventeenth day of July in the said sixth yeare of the Dominion of the said Lord Prop^{ty} &c: Anno Dom: 1681. Att Port tobam in Charles County aforesaid their wicked Intentions aforesaid to accomplish and execute themselves to the number of thirty persons falsely and rebelliously did raise conuene and assemble together against their due obedience to the said Lord Prop^{ty} to the great perrill of the person of the said Lord Prop^{ty} and the subuersion of the said Gouverment and against the peace of the said Lord Prop^{ty} his honnor and Dignity and also against the form of the Act of Assembly in this Case made and provided &c:

On the Backside of the foregoing
Presentment was by the Grand In-
quest Endorsed: Billa Vera.

Upon which Presentment the aforesaid George Godfrey hath been indicted upon his Indictment arraigned and upon his arraignment Pleaded not guilty and for his Tryall put himselfe upon God and the Country and the said Thomas Burford Attorney Generall for the said Prop^{ty} Likewise therefore it is commanded the Sheriff of S^t Maryes County that he cause to come here twelve &c:

Now here at this day to witt the fourteenth Day of Nouember in the sixth yeare of the Dominion of the Right Honn^{ble} Charles Lord Baltemore &c: Anno Dom: 1681. Came the said Thomas Burford Attorney Generall for the said Lord Prop^{ty} and the said George Godfrey was brought to the barr and the Jurors impanelled being called likewise came (to witt) Peeter Sawyer Philip Lynes Anthony Dawson John Richardson William Hill John Hungerford Joseph Serjeant John Salisbury John Evans James Peterkin William Steeuens and William Mishew who being elected tryed and sworne well and

P. R. O. truly to try and true deliverance to make between the said
Colonial Lord Prop^{ty} and the said George Godfrey then prisoner at the
Papers. Barr and have heard what the Evidences could say in the
Premises upon their oaths doe say that the said George God-
frey is guilty of speaking many mutinous and seditious words
and strieuing as much as in him lay to raise a mutinous Com-
pany to fetch Cap^t Fendall out of prison and if the Court find
him guilty of the Breach of the Act of Assembly whereof he
stands Indicted they find him guilty or else not.

Whereupon Judgment is respited untill the Court advise
themselves of and upon the Pemisses.

Afterwards to witt the fifteenth day of Nouember in the
yeare aforesaid the said George Godfrey being againe brought
to the Barr It is the Judgment of the Court here that the said
George Godfrey is guilty of the Breach of the Act of Assembly
whereof he stands indicted therefore it is considered that the
said George Godfrey be hanged by the neck untill he be dead
Philip Calvert.

About a week after the said Godfrey was condemned I gave
him his pardon for life and and remains in Prison the re-
mainder of his days.

C. Baltemore.

The said Godfrey was a Justice of Peace for Charles County
and Lieut: of a Troope of horse and actually in the service and
pay of the Province when he was designeing to fetch Josias
Fendall out of the hands of

C. Baltemore.

22 Janu^y 1681.

This is the Tryall of Cap^t J^{no} Coode and also of George
Godfrey taken from the Records as things of this nature are
usually entred.

C. Baltemore.

Mr W^m Blathwait

Tryall of Coode and Godfrey
in Maryland

Rec^d the 15th Aprill 1682.

The Affidavitts of Mr Rob^t Carville and
of Mr Vansweringen about the pro-
ceedings and condemnation of the
Shipp Liver Pool Merchant.

Robert Carville of S^t Maryes County in the Province of
Maryland in America being aged six and fourty years or there-
abouts being duely sworne upon the Holy Evangelists deposeth

and sayth as followeth that one Richard Windall Marryner Commander of the Shipp the Liverpoole Merchant arriveing in this Province of Maryland in S^t Georges River in S^t Maryes County about the beginning of March in the year of our Lord one thousand six hundred seaventy and seaven Christopher Rousby Esq^{re} his Majesties Collector in the said Province having caused the said shipp to be seized, for breach of an Act of Parliament made at a Parliament begunn at Westminster the Eight day of May in the year of our Lord one thousand six hundred sixty and one in the thirteenth yeare of the raigne of our most gracious Sovereaigne Lord Charles by the Grace of God, of England, Scotland France and Ireland King Defender of the Faith &c: and there continued till the nineteenth day of May in the fourteenth yeare of his Majesties said Raigne and thence prorogued to the eighteenth of February then next following; and there continued to the twenty seaventh of July in the fifteenth yeare of his Majesties Raigne and thence prorogued to the sixteenth of May then next following: Intituled an Act for the encouragement of Trade, The said Christopher and Richard Windall or one or both of them became humble suitors to the hono^{ble} Thomas Notley Esq^{re} then Chief Governor of the said Province under the Right Hono^{ble} Charles Absolute Lord and Prop^r thereof to call a speciall Court to trye whether the said Richard Windall had brooke the said Act of Parliament yea or noe, and for the Acquittall or condemnations of the said Shipp. And thereupon the said Thomas Notley did cause a commission to issue out of the high Court of Chancery of the said Province under the Great Seale thereof directed to this Deponent, Walter Hall John Darnall and Garret Vansweringen Gen: bearing date the fourteenth day of March in the said yeare of our Lord one thousand six hundred seaventy and seaven; whereby wee or any three of us (whereof this Deponent to be one) were assigned Justices to enquire by the oaths of such and soe many good and lawfull men of the said Province and by such other wayes and meanes by which the truth of the matter might more plainly appeare. and to us should seem best, of all breaches of any Act or Acts of Parliament relateing to Navigations or Trade by whomsoever and whensoever done perpetrated or committed within the said Province, when, how and in what manner and of all other Articles and circumstances of the premisses or any of them anymanner of way touching or concerning and the same for that time to heare and determine, according to the Laws and Customs of the Kingdom of England and of the said Province And therefore Wee were commanded that on the eighteenth day of the said month of March at the Court House at the City of S^t Maryes, wee or any three of us as

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Colonial
Papers.

aforesaid, should make diligent enquiry of and upon the premisses and the same heare and determine, doe and performe in manner aforesaid doeing therein what to Justice should apperteyne And the Sheriff of the said County of St Maryes or his Deputy was commanded at the day and place aforesaid to cause to come before us twelve good and lawfull men of his Bayliwicke by whom the truth of the matter in the premisses might be the better known and enquired of. And Nicholas Painter was appointed Clerke for keepinge and fileing the Information Records and muniments to the premisses apperteyning. As by the said Comission remaineing of Record in the Secretarys office of the said Province may more at large appeare. And notice being given to this Deponent and to all the other Comissioners (as this Deponent beleives) to attend the Executions of the said Comission at the day and place aforesaid: Hee this Deponent togeather with the said Walter Hall and Gorret Vansweringen (the said John Darnall not appearing) did upon the said eighteenth day of March aforesaid meete at the said Court house at the said City of St Maryes where also appeared the said Nicholas Painter as Clerke of the Court and the said Christopher Rousby appeared likewise said Richard Windall appeared alsoe in his prop. person and by Robert Ridgeley his attorney and the said Comission being publicely read this Deponent and the said Walter Hall and Gorret Vansweringen did proceed in the Execution of the said Comission. Whereupon the said Christopher Rousby his Majesties said Collector who as well for our said Sovereigne Lord the King that now is and the said Thomas Notley the then Chief Governor of the said Province as for himself in that behalfe prosecuted did exhibitt his Information into the said Court against the said Richard Windall And thereby reciteing the sixt and x^t of the eight paragraph in the said Act of Parliament Intituled an Act for the encouragement of Trade as aforesaid declared that the said Act notwithstanding the said Richard Windall Commander of the said Shipp the Liverpool Merchant then rideing at anchor in St Georges River aforesaid upon the eight day of March aforesaid the said statute little regarding nor the paines penalties and forfeitures therein feareing then and there had imported and brought into the said Province in the said shipp or Vessell divers and sundry Comodities of the growth productions and manufacture of Europe which were not really and bona fide shipped laden or taken in in England Wales or the Towne of Barwick upon Tweed but were by the said Richard Windall shipped or laden or taken in on board the said shipp or vessell in the kingdom of Ireland that is to say eighteen hogsheds of French wyne called Clarrett with severall other European

goods a particular whereof was to the said Informations annexed. And also the said Richard Windall did not upon his entry of the said shipp with the officer for that purpose appointed or at any other time then since and before breaking of Bulk deliver or cause to be delivered to the Governor or officer thereunto appointed a true and perfect Inventory Invoice or perticular of the severall goods or comodities of the said Shipp loading together with the place or places in which the said goods were laden or taken into the said shipp or vesse as in and by the said statute hee was required and enjoyned. But without having first declared to the Governor or the said Officer by him thereunto authorized or appointed a true and perfect Inventory, Invoice or perticular of the severall goods or comodities of the said shipp or vessells loadings with the place or places in which the said goods were laden or taken into the said shipp or vessell. Hee the said Richard Windall did then and there out of the said shipp or vessell unlade divers goods and Comodities, that is to say two hogsheds of French wyne. And the said Richard Windall did also unlade and deliver unto John Addison and John Readish severall Bayles packs and Casques of goods and other European Comodities soe as aforesaid by him in the said shipp imported against the forme of the statute aforesaid. Whereupon the said Christopher Rousby who as well for the said Lord the King and the said Governor as for himself prayed for the advice of the said Court in the premisses and that the said Richard Windall might forfeit the said shipp or vessell with all her Gunns Toolles Ammunitions furniture and apparell and all the said goods and comodities according to the forme of the statute aforesaid and that the same forfeiture might be divided into three equal parts one third part thereof unto our Sovereigne Lord the King one third part thereof to the said Governor and the other third part to him the said Christopher according to the forme of the said statute. And that the said Richard Windall might answere the premisses and the said Richard Windall upon the said Eighteenth day of March aforesaid in his proper person appeared and by Robert Ridgeley his Attorney putt in his Plea to the Information aforesaid and sayd hee was not guilty of the breach of the said Act and of that hee put himself upon the Country and the said Christopher who as well &c likewise. Whereupon the said Sheriffe of the said County of St Maryes did upon the same day returne the pannell of a Jury of twelve men of his Bayliwicke who being impannelled and sworne to say the truth of the premisses upon their Oathes did say that they of the Jury did find that there were severall hogsheds of wine called Clarrett imported into the River called St Georges River in the said Province in the

P. R. O.
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said Shipp called the Liverpool Merchant Richard Windall Commander of the said shipp and then rideing at anchor in the said River and that there was noe true entry made of the said Wines before breeking of Bulk in the said shipp. Whereupon and upon Consideration had of the said Act of Parliament which gives the forfeiture of the shipp or vessell with all her Gunns Ammunition tackle furniture and apparell and of all such goods of the growth production or manufacture of Europe as were not bona fide laden and taken in in England Wales or the Towne of Berwicke to be recovered and divided as in the said Act is mentioned. This Deponent and the said Walter Hall and Gorret Vanswerengen did adjudge the said shipp called the Liverpool Merchant with all her Gunns Tackle furniture and Ammunition and apparell and also all the Goods that were imported in the said Shipp (except such goods as were bona fide laden and taken in in England Wales or Towne of Berwicke and for which Cocquetts were or would bee produced should be forfeited according to the said Act of Parliament and this Deponent further sayth that at the tyme of the said Tryall to the best of this Deponents remembrance it was alleadged on the behalfe of John Addison and partners Merchants of the said shipp Liverpool Merchant and the said Richard Windall that there was severall goods in the said shipp that were bona fide laden and taken in, in England, that is to say at Liverpool aforesaid and for which due entry had beene made at the said port of Liverpool to witt two Trusses N. 1. N. 2. and a h^{dd} of Brandy over and besides the severall goods mentioned in the Cocquetts by the said Richard Windall dd in, to the officer appointed for entry of shippes in the said Province and for which said goods they had also Cocquetts with said two Trusses and h^{dd} of Brandy had been formerly shipped by the said John Addison and partners in the George of Liverpool intended for this Province But the said George and the said Liverpool Merchant meeting at Dublin in the kingdome of Ireland and the said shipp the George being leeky and not likely to come into the said province so soone as the Liverpool Merchant the said John Addison and partners did procure from the officers of the Custome House of Dublin aforesaid a license or permitt to take the said two Trusses and h^{dd} of Brandy which were entered in England as aforesaid out of the said shipp the George and to put the same on Board the said Liverpool Merchant which was done accordingly. The Cocquetts for which two Trusses and h^{dd} of Brandy were together with the Cocquetts for other goods laden on board the said shipp the George in the Custody of the master of the said shipp the George who was not then arrived in the Province and oath being made (as this Deponent beleives) of the said sugges-

tions and that at the arrivall of the said shipp the George the said John Addison and partners would produce the said Cocquetts and that therefore the said two Trusses and h^{dd} of Brandy nor any the goods mentioned in the Cocquetts dd in by the said Richard Windall at tyme of his Entry of the said shipp Liverpool Merc^t ought not to bee forfeited. The said Court did adjudge that neither the said goods mentioned in the Cocquetts that were delivered in by the said Richard Windall at the tyme of the entry of the said shipp nor the said other goods taken out of the said shipp the George, if Cocquetts could at the arrivall of the said shipp the George or otherwise bee produced, should bee forfeited, and it was the true intent and meaning of this Deponent and of the other Justices (as this Deponent beleives) not to condemne the said goods taken out of the George and putt on board the said Liverpool Merchant, that Cocquetts could bee produced for the same as was alleadged. And in that perticular the said Nicholas Painter the Clarke attending the said Court, did not in penning the Judgement of the said Court, sufficiently expresse and set forth the meaning of the said Court, and this Deponent further sayth that presently after this Deponent had delivered the Judgement of the said Court in the precence of us the Court did rise and the Comission to us granted as wee conceived was determined And upon the same day the said Thomas Notley Esq^r Cheife Governor as aforesaid did by his Warrant under his hand authorize and impower Cap^t Gerrard Sly Cap^t Robert Cressman Cap^t Nich^{os} Manning M^r John Llwellen and Symon Sprecklin to appraise the said Shipp Liverpoole Merchant with all her Gunns tackle furniture Ammunition and Apparell and the appraisement thereof to exhibitt into the secretaries office under their hands. And accordingly the said Sly, Cressman Manning Llwellen and Sprecklin did returne that they had by vertue of the said warrant vallued the said shipp Liverpoole Merchant with all the Gunns tackle furniture ammunition and apparell to be worth two hundred pounds sterling As by the said proceedings remaining also upon record in the said secretaries office may more at large appeare. And this Deponent further sayth that hee beleives the said Christopher Rousby and others by his order did the same day seize and take possession of the said shipp and all the goods and merchandizes in the same as well those goods as had cocquetts as those that had none and deteyned the same from the said John Addison and Mark Cordea and other owners thereof. And this Deponent hath heard that the said John Addison and Mark Cordea did often demand of the said Christopher Rousby restitution of the goods hee had soe seized and for which the said Richard Windall had delivered Cocquetts at his entry as

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aforesaid and also of the said goods taken out of the George as aforesaid. But the said Christopher Rousby refused to deliver the same. And this Deponent sayth that after the arrivall of the shipp the George the said John Addison and Mark Cordea or one of them did (as this deponent hath heard) produce the Cocquetts for the said two Trusses and hogshead of Brandy and delivered the same with the Cocquetts for other goods in the shipp the George to the officer appointed to enter shippes here and for the further satisfaction of the said Christopher Rousby did produce the permitt of the custome house of Dublin to take the said goods out of the George and put them on board the Liverpoole Merchant and procured the depossicōns of severall of the seamen belonging to the said shipp the George to prove the said permitt of Dublin and this Deponent hath seen the depositions of Thomas Hull W^m Bennet John Wharton and John Fisher taken before the Hon^{ble} Wm Calvert Esq^{re} principall secretary of the said province to that purpose and the said Christopher Rousby was made acquainted with the said oathes (as this Deponent beleives) and yet notwithstanding he refused to deliver the said goods to the said John Addison and Mark Cordea or either of them. Whereupon the said John Addison and Mark Cordea by one Robert Ridgeley their Attorney upon the seaventeenth day of February in the year of our Lord one thousand six hundred seaventy and nine were forced to file a Bill in the provincial Court of the said Province against the said Christopher Rousby being one of the Attorneys of the said Court and declared against him in an accōn of Trover and conversion for certaine goods taken out of the said shipp Liverpoole Merchant to the value of sixty foure thousand seaven hundred twenty and five pounds of Tobacco and the said John Addison and Mark Cordea or one or other of them did (as the deponent hath beene credibly informed) before the said action brought, deliver to the said Christopher Rousby a p^ticular of the goods by them claymed and which had beene duely taken in, in England and for which they had delivered in their Cocketts as aforesaid as p^ticularly the said Trusses and hogshead of Brandy aforesaid and did also demand of him the said Christofer Rousby to redeliver to them the Cocquetts dd in to the said office and which (as was alleadged) were by the officer delivered to the said Christofer Rousby, but the said Christofer Rousby denyed to restore the goods or give them the said Cocquetts only he permitted the said John Addison to take a copy of the Cocquetts of the Liverpoole Merchant and not only soe but the said Christofer Rousby appeared to defend the said action and would have reteyned this deponent being also one of the Attorneys of the said Court to be Attorney for him but this deponent refused to bee Attorney for him, telling

him that if I should bee for him I should contradict the order of the said Court which did not condemne the goods that were bona fide taken in in England, and that if the goods in the George and putt on board the Liverpoole Merchant had cocquetts this deponent did not condemne them or to that or the like effect and this deponent did perswade the said M^r Rousby not to stand suite with them. But the said M^r Rousby seemed very angry and sayed that the goods taken out of the George were condemned and as for the other goods mentioned in the Liverpoole Cocquetts or so many of them as hee had taken into his possession and seizure hee seemed willing to restore. But the said Christofer Rousby finding a defect in the said declaration by miscasting of the same in the pticular account of the goods to the said declaration annexed mentioned hee pleaded in abatem^t of the said action and his plea was allowed and the plaintiffs were forced to suffer a nonsuite with costs. And this Deponent further sayeth That in all probabillity the plaintiffs would have beene otherwise nonsuited by reason they could not procure the Cocquetts aforesaid either from the said Christofer Rousby or the said other officer appointed for entry of shippes here, and soe could not make out their charge against the said Christopher Rousby but the said Cocquetts were still deteyned from them. But the said Mark Cordea goeing for England to Liverpoole aforesaid promised to procure duplicates of the said Cocquetts of the Liverpoole Merchant and George to cleere the matters aforesaid In expectacōn whereof the said Robert Ridgeley, did, the three and twentyeth day of November in the year of our Lord 1680 file a new Bill against the said Christopher Rousby and amended the former mistake. And the said Christofer Rousby appeared thereunto and impled till the next Court and pleaded not guilty and the cause standing afores^d ready for a tryall and the said Christofer Rousby pressing on for a tryall the plaintiffs wanting their Cocquetts were forced to suffer another nonsuite with costs as by the said proceedings may more at large appeare. And this deponent further sayeth that he this deponent did receive a Letter from the said Mark Cordea dated at Liverpoole the tenth day of February 168^o wherein he mentiones that he had by his last dated the 20th of October by the way of London sent enclosed the Cocquetts of the Liverpoole Merchant and the George and to that effect he wrote to his Wife and to the said Robert Ridgeley but the said letters never came to any our hands to this Deponents knowledge. And this deponent sayeth that since the said nonsuits there have beene severall overtures of an agreement betweene the said M^r Rousby and the said Cordea and Addison about the said goods but no end

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as yet is made about the same. And the said Christopher Rousby at his goeing for England in May or June last did leave the said Robert Ridgley his Attorney with order (as M^r Ridgley told this deponent) to agree with them the said Cordea and Addison and that he had left goods to the vallue of about 30000^b tob: to satisfie them for the goods which he had seized and which was more than they could get by Lawe as hee and the said M^r Rousby alleadg^d And further this Deponent sayth not.

Ro: Carvile.

Juravit die 26 January
anno 1681. Coram me
Philip Calvert Canc.

Garret Vanswerengen of the Citty of S^t Maryes in the Province of Maryland in America gen being sworne upon the holy Evangelists deposeth and sayth as followeth That hee having seene and heard the deposition of Robert Carvile hereunto annexed distinctly read doth beleive the same to bee in substance true. And further hee sayeth that it was the Judgement and opinion of this deponent as well as the said Robert Carvile and the said Walter Hall who is since dead and so by them all agreed to upon the hearing of the Allegations and pleadings on both sides as well on the behalfe of the said Christopher Rousby his Majesties said Collector who as well for our Sovereigne Lord the King and the said Gov^r as for himselfe in that behalfe followed as also of the said John Addison and Mark Cordea that none of the goods in the said shipp Liverpoole Merchant that were bona fide laden and taken in, in England and for which Cocquetts could be produced or made appeare were duely entered in any Port of England Wales or the Towne of Berwicke upon Tweed according to the said Act of Parliament should be or were by this deponent or the said other Justices condemned or forfeited and that the said two Trusses and hogshead of Brandy if proved to be duely laden in England and entered there were intended to be also excepted out of the said Judgment as well as those goods mentioned in the cocquetts delivered in by the said Richard Windall at the tyme of the entry of the said shipp Liverpoole Merchant. And that the judgment of the said Court is not fully penned by the said Clarke in that particular.

G^t VSweringen

Juravit die January
anno 1681 Coram me
Phillip Calvert Canc.

At the Committee of Trade & Plant^s
in the Council Chamber at Whitehall
Tuesday the 31st of January 1681/2

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Entry Book,
No. 107.

Present

| | |
|--------------------|---|
| Prince Rupert. | Earl of Ailesbury |
| Earl of Craven. | L ^d B ^p of London |
| Earl of Clarendon. | L ^d Privy Seale |
| Earl of Conway | |

Their Lordships being desirous to know the opinion of his p. 3
Maj. Council learned concerning the force of Laws in the
Plantacōns order an extract to be made from the Commissions
to the Governors, of the late Legislative power given them
thereby and that the same be transmitted to the Attorney and
Solicitor General that they may return their Answer to the
Question following Viz:—

That if a Law be made by virtue of this Legislative power
aforesaid without being afterwards confirmed or disproved by
his Maj^{ty} and a Law being thereupon passed to repeal that
first Law His Maj. shall think fit to make void that repeal,
Whether in that case the former Law be revived or restored
to its full force as if it had never been repealed.

Tuesday February 7th 1681/2.

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A Draft of a letter to my Lord Baltemore concerning his
usage of the Officers of the Customs in Maryland read and
approved and their Lordships think fit that the stile of Our
Province be used and insisted on by His Majesty

At the Court at Whitehall
the 8th Feb^{ry} 1681. (-2.)

Vol. 52, p. 80

By the Kings most Excellent Majesty and the Lords of His
Majesty's most Honorable Privy Council.

His Majesty having by a letter under his Royall signett and
signe Manuall required the Lord Baltemore Lord Proprietor
of Maryland to make good the summe of two thousand five
hundred pounds which his Majesty hath been damnified in his
Customs by his Lordship refusing to assist His Majesty's
surveyor in the collection of the duty of one penny and pound
on the Tobacco laded in three severall ships in that Colony
which by the Masters bonds was to be brought to England or
Ireland, as by the copy of the said letter hereunto annexed
appear; It was ordered by His Majesty in Councill that the Com-
missioners of His Majesty's Customs in the Port of London do
cause demand to be made of the Lord Baltemore of the said

P. R. O. Colonial Entry Book, No. 107. summe of two thousand five hundred pounds or so much as shall appear upon the adjusting the Accompts to be due to His Majesty for the said Tobacco and desire his Lordship to make speedy payment thereof to the Receiver Generall and Cashier of His Majesty's Custom's here, according to His Majesty's pleasure signified in his said Letter.

John Nicholas.

P. R. O. Colonial Papers. Mem^d concerning Maryland.

Virginia first so called is a tract of Land lyeing from 45 to 34 degr: N. Lat. King James granted Letters Pat^{ts} to S^r Thomas Yates &c for Planting this Tract of Land called Virginia. Which was thereupon divided into two Colonies The one lying from 34 to the 40th degre

The other from the 40th to 45 Degr:

The Charter Granted for the first Colony as above said (after the peopling & Planting of that whole Country was afterwards vacated by a Lre Warrt in the year 1623.

Whereupon in 1632 Cecil Lord Baltimore. upon suggestions that there was a Certain Tract of land in America not Inhabited by Christians (as appears by the Preamble) obtained that Charter whereby Maryland is now held and for the Possessing himself thereof Used Great Violence in Driving away such of the People out of this Part formerly called Virginia as would not submit to his Authority Wherein sev^{al} of his Maj^{ty}s subjects were slaine as Appears by the Notice taken thereof by his Mat^{ys} late let^{re} to the Ld Baltimore.

(Endorsed)

Mem^d concerning Maryland

A former Letter from His Maj^{ty} to the Lord Baltimore concerning M^r Rousby His Ma^{ty}s Collector at Maryland.

8th Feb^{ry} 1682.

C. R.

Right Trusty and Welbeloved Wee greet you well When wee reflect upon the many Instances of Grace and Favour derived to you from us and Our Predecessors in the Government of our subjects inhabiting our Province of Maryland. Wee have great reason to hope that all your actions and Proceedings and most especially such as relate to our Person and the Rights of our Crown are wholly guided by the Rules and Directions of our Royall Charter and the known Laws of our Kingdom of England; But Wee are not a little surprized to find by divers undeniable Testimonies Wee have received as

well as by the Confession of your own Letters that you have obstructed our service and discouraged our Officers in the execution of their Duty. And altho by severall Letters Wee have already directed you by yourself and your Officers to be ayding and assisting to the Collector and other Officers of our Customs in Our Colony of Maryland, in all matters relating to their respective Offices; and particularly in the due Collection of the Impositions payable unto us by an Act of Parliament made in the 25. year of our Reign Intituled an Act for better securing the Plantation Trade whereby certain Rates are imposed upon severall Commodities therein named that shall be shipped or laden on board any ship or vessell that shall not have first given Bond to bring the same to our Kingdom of England Dominion of Wales or Town of Berwick upon Tweed, and to no other Place amongst which Rates one penny p pound is imposed on Tobacco: Wee are nevertheless informed that instead of being ayding and assisting to our said Officers in the due Collection thereof you have hindred and forbidden them to recieve the same and particularly Wee have been given to understand by Nicholas Badcock late Comptroller and Surveyor of our Customs in our Colony of Maryland That upon the arrival of the ship S^t George of London Captain Shephard Commander; The Freeman of Liverpool Edward Tarleton Master and the Dolphin of Pool Alexander Dennet Master our said Surveyor finding by their Certificates that the Bonds which they had given were for carrying their loading for England or Ireland, he did demand from the masters of the said ship the penny p^{lb} due in such case for all Tobacco which they should lade on board the said ships, but that he being refused by them he attended you severall times and desired your assistance for the Collection thereof but that you refused to give him any countenance or assistance therein and that our said surveyor pressing you severall times in this matter and urging the said Law you ordered him to appear before your Councill at S^t Mary's which he accordingly did, and there in our name prayed and required your aid to levy our duties upon the lading of the said ships or to make seizure of the goods; But that he was absolutely denied the same, and told that he should not meddle with them for that he had nothing to do therewith. And wee are further informed that by a letter under your own hand to our Comm^{rs} of our Customs bearing date the seaventh of June last you acknowledged to have denied him the receiving of our Duties on the said ladings and to have hindred him from molesting the said Masters by means whereof the said ships went away with their ladings of Tobacco without passing any of the said Duties to us whereby we are damnified in our customs to the value of 2500^{lb} sterl:

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Wee have been also made acquainted at our Councill Board with the Complaints insinuated by you against our Trusty and Welbeloved Christopher Rousby Collector of our Customs in our said Province as if he had behaved himself in such violent and unwarrantable manner as tended to the discouragement of Trade Diminution of our Customs and disturbance of the Publick Peace; but having for our better Information herein left the Examination of those matters to the Lords of our Privy Councill appointed a Committee of Forreign Plantations who have consulted the Comm^{rs} of our Customs and heard the said Rousby upon oath It hath been therefore presented unto us that you have proceeded in a very unusual manner by charging the said Rousby with so great enormities in his absence without giving him any notice of those accusations before his departure from Maryland which was well known to you to you at least four months before he imbarck't nor have you transmitted any sufficient proofs upon the matters complained of so that we cannot esteem it any ways agreeable to our Justice to give any Credit thereunto but do hereby require and command you to permit the said Rousby peaceably and quietly to execute his Office, and to afford him all the encouragement therein which the Law requires And wee do think fitt withal to give you this caution that if you shall hereafter have any cause of complaint against the said Rousby or any other person you do first give him or them a particular charge thereof and receive his or their answer thereunto and then transmit the said charge and answer to us with the proofs thereof to the end we may direct speedy Justice to be awarded according to the merit of the case. And altho your proceedings abovementioned in the obstruction of our officers and contempt of our Laws are of such a nature as that we might justly direct a writt of quo warranto to be thereupon issued out. Wee have nevertheless out of our great Clemency thought fit for the present only to require the Comm^{rs} of our customs to charge you with the payment of the said summ of 2500^{lb} and to cause a demand to be made from you for the same and that you adjusting of what shall appear to be truly due to us to cause the same to be passed by you to our Receiver General and Cashier of our Customs for the time being residing in London.

And wee do strictly command you for the future to take care that all our Laws relating to the Trade of our Colony and Plantations be duly observed and put in execution and that all Encouragement and assistance be given to the severall Officers of our Customs under your Government And so wee bid you farewell. Given at our Court at Whitehall the 8th of Feb^{ry} in the 34th year of our Reign.

By His Ma^{ty} Command &c:

Jenkins.

Letter from Lord Baltimore & Council to the Governor of
New York.

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S^t Maries City in Maryland
March 4th 1681.

Hon^{ble} Sir,

The northern Indians with whom (some time since) this Province by Colonel Henry Coursey their Agent at Fort Albany entered into a league of peace and amity having lately violated their articles with us, not only by plundering the houses and destroying the stocks but also murdering the persons of some of the inhabitants of our frontier plantations, hath given us cause of suspicion that they have either forgotten, or are resolved noe longer to preserve their league with us, which called for & hath occasioned our most serious & deliberate consultations in such case to prevent (as much as in us lay) the effusion of more Christian blood, and to contrive, (if possible) the future peace and tranquility, as well as the lifes & safe guards of His Majesties Subjects here. And amongst other expedients, calling to our minds the effectual care by your Government taken for the preservation, & security of the inhabitants of Delaware (otherwise equally obnoxious to the assaults & attempts of those Indians with the people of this Government) by affording to those Indians a free trade (without which they can hardly subsist) only upon those very tearmes of keeping peace and amity with them; we from thence took encouragement and found ourselves obliged to request the like favourable aid and assistance from you, for and in behalf of the inhabitants of this Province, alike subjects to His Majesty the king of England with those of Delaware and New Yorke, that you will now prohibit any further correspondency with those Indians in a way of Traffick and supplies, unless they will also desist from any acts of hostility against us, and proceed to maintain and keep that league of peace and amity with us made, which we desire & are willing to preserve towards them. Sir with this our so reasonable request, (which the lives and properties of His Majestie's subjects calls for at our hands) wee have entrusted the bearer Captain Richard Hill (to whom you may give all faith and credence) and hope that you will vouchsafe to expedite him again to us, with such a satisfactory answer hereunto as may not occasion our further addresses to the king and Council, and his Royal Highness for the Preservation of His Majestie's Subjects here from the insolencys, outrages and attempts of those northern Indians, which otherwise in duty and conscience we shall be obliged to doe; But we in no wise doubt of your sufficient power, and consequently your free and ready concurrence hereunto, in confidence that (if

P. R. O. at any time) this Government may be qualified to retalliate, or
Colonial in any measure to accommodate yours with the like neighbourly
Papers. & christian-like aid and assistance, you will most certainly find
a faire and just correspondency by and with the approbation &
ready concurrence of—Sir,

Your humble servants

C. Baltemore

Philip Calvert

William Calvert

Vincent Lowe

Thomas Taillor

W^m Digges.

For the hon^{ble} Cap^t Anthony Brockholls or any other
Comānder in Chiefe for the time being at New York.

(Endorsed)

Rec^d Enclosed from Lord Baltemore

April 24th 1682.

The Northern Indians having violated the peace, he prays
that the Governor of New York would forbid trade with them
till they desist from the depredations made now by them.

Letter from C. Baltemore to William Blathwait dated 11th
March 1681/2.

Maryland, 11th March 1681/2.

Sir,

The enclosed I send you for your perusal and desire you'll
please (at some fitting time to give my noble Lord the Earl of
Anglesey and Sir Lyonell Jenkins a sight of them. I have writt
so much and so lately to them that I dare not be as yett, so
bold as to trouble them with any more letters—therefore upon
the encouragement, you have given, I presume to send you the
within Copies. The one is of a letter lately sent by me, and
my Counsell to Captain Anthony Brockholls Comānder in
Chiefe at New York under his Royal Highness the Duke of
Yorke. Has been occationed by some murders that were per-
petrated (as we suppose) the last sumer by the Northern
Indians; tho' I can't say that we have very certaine grounds
for it, by reason 'twas never knowne that the Northern Indians
made so great a descent in that part of the Province, where
the five men and a woman were slaine the 15th last June: but
being not able (notwithstanding our endeavours ever since) to
fix those murders on any of our neighbouring Indians; and
being certainly informed, that several parties of those Indians
doe intend, again this spring, to visitt Maryland first & then
Virginia (their pretence hither being to war with some Indians

called the Pascattoways and Nanticokes, and in Virginia with the Pamunkeys & Nanzaticoes on Rappahanock River in that Colony) I and my Counsel did resolve to make our addresses to New Yorke to see what favour & assistance, that Government will afford us; being well assured, that 'tis in their power to keepe these mischiefs from the inhabitants of either of these Colonys, if they please, for 'tis from that Government these Villians receive their yearly supplies of powder and shott, without which they would not venture so low, as every year they have done, since my last return to Maryland. I shall within a month hope to see the Gentleman returned with an answer, and if we find no more readines & favour from that Government then Col: Coursey did from Sir Edmund Andros about five or six years since, (at which time there were some Articles made with those Indians, Coppy whereof you have by you).we must then make our humble addresses to His most sacred Majestie, and the Lords of His Majestie's most honourable Privy Council. When I was last in England I met with Sir Edmund Andros at St James', and he was very apprehensive least I should have made some complaint to His Royal Highness against him, for the great obstruction he had given Colonel Coursey in his negotiation at Fort Albany, and had he not made great asseverations of his future readines to serve Maryland whenever we should have occasion to renew those same (by his meanes) articles, that had been made by the said Coursey, I had certainly complained to his Highness of him, which (at that time) would (as he very well knew) have been of great prejudice to him; he lying then under a charge, brought against him by some merchants, and dealers to that Government. The reason of my sending the other enclosed Coppy is to let you see how unkind and unneighbourly William Penn has been, who (afore he could have an assurance of the lyne being run betwixt Maryland and Pensylvania) writes a letter (of which the inclosed is a true Copy) to severall gentlemen of my Province, who are as certainly, some above twenty, others five & twenty miles & better within the degree of forty, as that the place, where I live, is within that degree: and (as I'm very certainly assured) a friend, that Penn sent over this shipping has taken, privately, observations at the head of the Bay, & gives out now that if William Penn be mistaken in those informations he had received from masters of shippes, that assured him the line would fall very low in Maryland, that he must then be compelled to purchase a Port of Baltemore, or else their shippes must enter and clear in Maryland. The reason the line hath not as yett, been layne out, I will now faithfully relate to you, which you may safely acquaint the Lords of the Councill with. About the latter end

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of last August came Captain William Markham a kinsman and deputy Governor under M^r William Penn, who not only brought me a letter from William Penn, but likewise commands from His Majestie for the speedy settling the bounds betwixt Pensylvania & this Province, in obedience to those comānds I gave Captain Markham full assurance of my ready compliance, and left it to him to appoint the time, when I should send persons up the Bay to meet him for the effecting the same. Cap^t Markham had not been above three or four daies at the City of S^t Maries, where the Assembly was at that time sitting, afore he fell ill, the heats being then excessive great & many of the delegates were fallen ill likewise. That I might not be wanting in my respects to William Penn, by my kindness to his Cosen I caused the Gentleman to be brought to my house about eight miles from the City, where he was so bad, and delirious, that 'twas much feared he would have dyed; he continued ill three weeks but at last recovered strength enough to venture abroad, and at his request I furnished him with a convenience to return to Upplands where he now resides. Afore he went we agreed upon the 16th of October to meet at the head of the Bay, but he finding a necessity to goe to New Yorke afore he could meete, did, by a letter write me, that he desired the time of meeting might be putt off till the 26th of October, but afore that he fell into a relapse of an ague and feaver, and by another letter signified, that he was not able to attend the business of the bounds till the spring. Both these letters of Markham I sent inclosed in one from me to Penn by Captain Evelin, who sailed out of Maryland the 18th of last month, and by them Penn will be satisfied of my respects, kindness and care towards his Cosen, as alsoe of my willingness to have the line settled betwixt us, which now I am pressing Markham to have don out of hand; for this letter of Penns to some Inhabitants, has occasioned great disturbance in the Upper Countys, the people hoping they shall suddenly be under noe Government. Thus Sir have I given you the naked truth of what has passed as to that affaie, and now I will only assure you that by Evelin I sent you some tryalls & other papers; duplicates of which I send by this conveyance to my brother-in-law M^r Nicolas Lowe, from whom you will receive them, as you will this by the hands of my servant Richard Burke. About a month hence I will send you a list of all the persons that, in Maryland, are able to beare arms, and amongst them, the inconsiderable number of the Popish persuasion, by which you will plainly discover the malice of some late in-formers. I beg your pardon for detaineing you thus, long, and that you will believe me to be

Sir, your most affectionate

friend & servant

C. Baltemore.

My most humble service to the Earl of Anglesey and to Sir
Lionel Jenkins.

P. R. O.
Colonial
Papers.

(Endorsed)

Maryland. March 11th 1681.

Lord Baltimore's Letter

Rec^d April 24th 1682.

Letter from Lord Baltimore to William Blathwait. dated
26th March 1682.

March 26th 1682.

Sir,

Some days since I writt by one Capt: Francis Partis who sailed hence the 14th inst: in my letter I sent you a Copy of a letter from W^m Pen to some persons in the upper part of my Province, which by false information of some masters of vessels, he concluded would be found within his territorie of Pensylvania. I also sent you a Copy of another letter from myself & Council to the Comander in Chiefe at New York, by which you will perceive we are endeavouring by all the best ways and means we can to preserve the inhabitants of this Government from the outrages and violences of the northern Indians I now take the liberty to send you herewith a letter I received very lately from Colonel Cadwallader Jones, who commands the Fort on Rappahannock river in Virginia, by which you will see that Captain Josias Fendale (lately banisht Maryland) is now a resident in Virginia where there is a particular eye over all his actions. He is certainly the most likely person in both these Governments to take the advantage from the discontented party in Virginia to stirr up another rebellion there, and had he not been narrowly watcht, whilst he was in Maryland, he had broke out last summer here, and then our neighbours in Virginia would not have remained long quiet. The Tryall of this person, and of some others I sent you about a month since by one Captain Christopher Evelin; and their duplicates I sent some few days ago by Captain Partis. When anything else of moment happens you shall not faile of a true account, that, by your means, the Lords of the Committee for foreign Plantations may have the true state of affairs of Virginia and Maryland in relation to the Indians; As yett both Governments are in peace; some discontents and dissatisfactions in Virginia about the business of Cohabitation, of which the Lords of the Council will have speedy advice (I doubt not) from the Governor & Secretary there. There will be an Assembly April next in Virginia, and the Assembly here is prorogued till that month, so that I expect to recieve motions from the Governor & Council in Virginia about a Cessation but whether they are qualified there for passing such an Act, I and my Council do much

P. R. O. doubt they having not (as we understand) received any late
Colonial Comānds from His Majesty and until I am certain they have
Papers. power from the king I shall not offer at any such thing with
them, 'Tis thought generally by the inhabitants of both
Colonys that if some expedient be not speedily found for the
bettering our only Comodity Tobacco the inhabitants will be
reduced to great straights; they being at this time very bare
in yeare both in Virginia and Maryland.

A Cessation from planting one yeare might do good, if His
Majesty's revenue were not thereby diminisht, and that we could
be certaine that whilst we cease in these two Colonies there
should not be great quantitys of that Commodity made in
other parts, as formerly, there has been, when Tobacco bore a
good price. For my part tho a cessation would be preju-
dicial to me, yet for a general good I shall willingly yield to it
in this Province, when I understand His Majestie has left it to
the Governor and Council in Virginia to act as they shall think
fitt, in order to it there Wee are in dayly expectation of some
shippes from London, haveing had none come in for these two
months & better, By the next from these parts I will give
you further trouble and now will conclude with this assurance
that

I am, Sir,
Your affec^{ate} friend & servant
C. Baltemore.

My most humble service
to my noble L^d Anglesey & to
Sir Lionel Jenkins.

(Endorsed)

Maryland. 26th March 1682.
From my Lord Baltemore
rec^d the 30th May.

For my ever honoured friend
M^r William Blathwait.
present
att
White Hall.

[Privy Council.]

Saturday 8th April 1682

P. R. O. A list of the Council and other Officers in Maryland trans-
Colonial mitted by my Lord Baltemore together with a printed letter
Entry Book, from the Chancellor of Maryland to Col. Meese concerning
p. 14. the late troubles there read and their Lord^{ps} order that Col.
Meese be summoned to give an account why he presumed to
print that letter as relating to matters of state without first
acquainting the Council with it.

Lord Baltimore's Declaration
dated 13. May 1682.

P. R. O.
Colonial
Papers.

Maryland ss.

To all Christian people to whom these Presents shall come Greeting in our Lord God Everlasting, Whereas through the envy, malice and hatred of some particular turbulent factious spirits, not only disaffected to this, but also dissatisfied with uneasie under & averse to all manner of rule & Government, severall ill reports and foul aspersions have of late been cast upon the Government of this Province under the right honourable Charles Lord Baltemore, Lord & Proprietor thereof, representing his Lordshipp as violent against the Protestants here inhabiting; conceiving and entertaining groundless Jealousies against them, and upon all occasions showing partiality and favour to those of the Popish persuasion to the great discouragement and oppression of others His Majestie's Protestant subjects, who are said meerly upon the account of their religion, to be kept under and at a distance from all possibility of advancement to any place of honour or profit within the Province, and to render the same more odious and contemptible to the world, such reports have not only been scattered abroad amongst several persons from one to another, but (as we have seen & heard) through the instigation means and procurement (as we conceive) of the authors themselves, have for the more general contagion been exposed to public view in print, thereby to take the deeper impression on the minds of the vulgar, not only to the derogation of his Lordshipp's honor, but also of very ill consequence to the whole Province in general, by terrifying & preventing thereby others His Majestie's loving subjects from resorting hither to cohabit with us as formerly for our greater strength & fortification against the Indians, and also for the better cultivating and improveing of this Country, to the great damage, detriment & prejudice of such His Majestie's Subjects as are here already resident both as to their lives & estates by that means. We therefore the Subscribers professing the Gospell of Jesus Christ according to the Litturgy of the Church of England and Protestants against the doctrine & practice of the Church of rome, Subjects also to His Majestie the King of Great Britain &c. and residents as aforesaid esteeming ourselves (as indeed we are) everyone therein particularly & nearly concerned, hold ourselves in conscience and duty obliged by this our impartial, true & sincere remonstrance or Declaration to unfold the naked truth and to undeceive the minds of those before whose eyes the mist may have been cast, and to purge his Lordship & this Government, whereof we are, from all those false, scandalous and malicious asperstions, which the venomous blasts of such

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inveterate, malignant, turbulent spirits have cast thereon. And therefore in the first place, we doe hereby unanimously acknowledge & publish to the world the general freedom & priviledge which we and all persons whatsoever Inhabitants of this Province, of what condicion soever, doe enjoy in our lives, liberties and estates under this His Lordship's Government according to the grand priviledges of Magna Charta, as effectually and in as full & ample manner to all intents & purposes as any of His Majestie's Subjects within any part of His Majestie's dominions whatsoever with the free & public exercise & enjoyment of our religion whatsoever it be, whether Protestant or other professing the name of Jesus, according to an Act of Assembly of this Province in that case made out & provided, and to which we and the whole Province in general either by ourselves or our representatives in a General Assembly have given our assent. We doe also declare and make known that besides our owne experience we have observed his Lordshipp's favours impartially distributed, and Places of Honor, trust and profit conferred on the most qualified for that purpose & service without any respect or regard had to the religion of the participants, of which generally and for the most part it hath so happened that the Protestants have been the greatest number, the halfe of His Lordshipp's Council nearest to his person are Protestants, his late Governor Thomas Notely Esq^{re} and Benjamin rozer Esq^{re} of his Council also lately deceased both Protestants, the major part of his Lordshipp's Comissioners or Justices of the peace in each respective County within this Province Protestants, those likewise that have the charge of the Militia of this Province generally or for the most part Protestants, vizt. Colonel Thomas Tailler, Colonel Henry Coursey, Colonel William Stevens, Colonel William Burges, Col: William Colebourne, Colonel Philæmon Lloyd, Colonel George Wells, Colonel Henry Jowles, and Colonel Chandler, nine Colonels or principal Officers of the Militia all Protestants, and but Colonel William Calvert, Colonel Vincent Lowe, and Colonel Henry Darnell, (when present) onely three of the romish persuasion Colonels or principal Officers of the Militia within or belonging to the Province, in like manner all other Officers & places of Honor or profit within this Province civill or military impartially and equally (if not for the most part on Protestants) conferred. This not only in vindication of his Lordships honor, and this his Government, but also for the publick interest of the Province therein concerned, and to discharge a good conscience, we for ourselves and in the behalfe of severall others whom we know (if not the whole Province in generall, every individuall person thereof, who we are confident and do verily believe would (if requested) readily doe

the same) have hereunto subscribed our names and are and shall be ready further to attest and confirme the same with our oathes; And for the greater ratification hereof, we have besides our subscriptions humbly supplicated & obtained his Lordship's command to his Chancellor of this Province to affix hereunto the great seal of this his Lordship's Province to the end that the greater faith and credit may be given thereunto—Dated at the City of S^t Maries in Maryland the thirteenth day of May Anno Domini one thousand six hundred eighty and two.

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Tho. Tailler
Will Stevens
W^m Digges
Tho: Burford. Att: Gen:
Phil: Lloyd
Jo: rousby
Kenelm Cheseldyn
richard Ladd
Will: Burgess
Josh: Wickes
Jona: Sibery
George Wells
William Hatton

Hen: Smith
Henry Trippe
John Hynson
J. Waterton
Jone Stone
James Mills
Barthol: Ennalls
Nathaniel Garrett
James Dashiell
roger Wolford
John Brooke
John Llewellyn.

(Endorsed)
Maryland

13th May. 1682.

Lord Baltimore's Declaration

Letter from Will Steevens to the hon^{ble} Philip Calvert Esq^{re}
dated 15th May 1682.

May it please your Honour,

Cominge to Cherry poynt (Captain Mathew was a board) but I spake with others who informed me that in Virginia some persons have begun to cutt up their owne plants, more have had their tobacco plants cutt up by others; it is said now Kent, Gloucester, Middlesex, Rapahanok is done mostly all ready and still they are going on. Sir Henry Chicheley hath issued out Proclamacōn which is come to Captain Mathews hand to prevent such practises. It is said alsoe his house, viz. Sir Henry's, is burnt downe, how fired not knowne. Major Beverly now a prisoner (as it is said) aboard the ship duke of York in Rapahanok Suspicion of having a hand privately in this insurrection (by this meanes) to make a Cessation. What this will come to I know not. I am also told that the red-coats are disbanded and in some discontent: Orders here come to the Militia officers to be ready: things look with an evil face in Virginia, when we

P. R. O. hear of our neighbour's house burnt it calls for our care. I
Colonial humbly advise that the publication of our late laws be hastened
Papers. and in the first place in St Marys, Charles and Somerset
Countyts, the rest as fast as may be. The restraining Commis-
sioners expenses, encouragements to Maryland owners, and
sowers of hemp and flax, tillage &c. and the makinge of linnen
and woolens; and though wee have weake hands and short leggs
yet may work something. The very name of them gives a
good sounde: I did not much feare our Militia being braine-
sick, but think it is convenient to keep them from infection as
much as may be. Pray pardon this hasty letter, you will heare
more suddenly. If your Honour sees Catterson pray hasten
him to send my letters over to me.
My humble service presented I rest
Your honours humble servant
Will Steevens

Cherry poynt
15th or 16th May 1682.

(Endorsed)

To the hon^{ble} Philip Calvert Esq^{re} Chancellor of Maryland
in his absence to the hon^{ble} Secretary of New York.

Letter from W. Stevens to the right hon^{ble} Philip Calvert
Esq^{re} dated 16th May. 1682. & to the Secr^y of Maryland.

Sirs,

Since my wrighing the inclosed have had the oportunity to
see under Sir H: C: s hand the originalls of the Orders to the
Militia Officers & the Proclamacōn against these riotous and
tumultuous persons. You must take the news as I heare it—
I am apt to think there is much truth in it. One that spake
with them (as I am told) says that the cutters doe say they will
make a generall Cessation. I think the Proclamacōn without
other speedy means will be but like a little water throwne on
fire—&c. I am still in the same mind concerneing the publi-
cacōn of our laws which makes me wright as I doe the
inclost. Excuse haste, my zeal makes me thus trouble your
Hon^{rs} &c. in much haste subscribe myselfe as I am

Your Hon^{rs} faithfull servant
W. S.

I think it impertinent to acquaint his Lordshipp I wright the
best that I heare giving allowance for some things.

(Endorsed)

To the Hon^{ble} Philip Calvert Esq^{re}
Chancellor of Maryland at St Marys
and to the hon^{ble} Secretary of Maryland.
hast for his Lordshipp's service
Will. Steevens.

Letter from Lord Baltimore to the right hon^{ble} Sir Lionel Jenkins.

P. R. O.
Colonial
Papers.

Maryland 18th May 1682.

Most Honoured Sir,

I was alarumed about three days since by a letter which I then received from Captain William Diggs one of the Council here in which I was advized of some tumultuary Proceedings in Virginia which had occasioned a Proclamation there of the 3^d instant under Sir Henry Chicheleys hand a Copy of which as also Diggs his letter I presumed about two days since to send to the Earl of Anglesey and having had my uncle M^r Philip Calvert Chancellor of this Province yesterday at my house there was brought to him in great haste the inclosed letters from M^r William Steevens another of the Council here who on Saturday last being the 13th instant and the day I concluded the Sessions of the last Assembly begun here the 25th of the last month, went over to Cherry point in Virginia about some business and there came to understand the evill practises of some ungoverned people tending very much to the same design of that of the late rebell there Bacon—I do presume to send you herewith Steeven's letters knowing it my duty to give you timely advice hereof that if His Majestie have not had from Virginia any notice hereof, you will be pleased to acquaint him therewith for I have such apprehensions, at this time, as that I am now sending out orders to all my Officers on Potomack side to be in a readiness with foot and horse to prevent the landing of any of that rabble, that are said to be gott together in Virginia, and have also sent over to M^r Secretary Spencer that he will please to let me speedily understand whether there are four or five hundred upp in armes in Virginia destroying mens tobaccos, as these late letters have informed me, that, if soe I may make preparations here accordingly, and to assure him if my service may be accepted of by the Government of Virginia, I may possibly be able to furnish Sir Henry Chicheley with some men from hence, in case matters be soe bad, as we dayly heare they are. They had an Assembly the last month in Virginia but as we are assured little was don, whereas it was hoped there would have been a cessation from planting, and the people missing of their expectations therein, began immediately to mutiny, and for aught I can learn there has been nothing but tumults ever since—In November last I received a letter from Sir Henry Chicheley signifieing the great desires of the inhabitants there of a cessation, to which I gave answer, that I found the same inclinations in several of the chief inhabitants of Maryland, but durst not joyn with him in anything of that nature, untill I was assured from under his owne, and M^r Secret^y Spencer's hand

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that His Majestie would be pleased therewith, for as I remember there was an order of His Majestie's in Councill of the 5th November 1664, wherein it was expressly commanded, that no cessation, stint or limitation of planting of Tobacco should be in either of these Colonies, which Order I know not but may be still in force. Since that answer of mine to Sir Henry Chicheley I have had noe letter, which I expected I should have had from him the last month, the Assembly of Virginia being then met, and the Assembly here sitting about the same time, these great disturbances makes me heartily wish my Lord Culpeper were settled in his Government, for until then I expect not, that ever there will be that certainty of peace, and quiet there which I could wish. Besides this bad news from Virginia, which doth greatly perplex and trouble me, I have yet a greater affliction on me at this time, occasioned upon my receipt two days since of a letter from His sacred Majesty bearing date the 8th day of February last; wherein (to my unspeakable greefe) I perceive myselfe fallen under His Majestie's most high displeasure, a misfortune that I once hoped never to lye under, and altho' I am at this present, struck with that sense, that every loyall subject ought to feel upon any displeasure of his Sovereign, yet I still hope by my humble petition to His Most Excellent Majestie, which I will presume to send by the next ship for London about tenn days hence, to make it appeare, that notwithstanding I have transgrest and thereby have most justly deserved His Majestie's anger, it was not a crime wittingly and knowingly committed by me; but drawne to the transgression thereof by a wilfull concealment in the surveyor, and Comptroler here of theire Instructions from the Comissioners of His Majestie's Customes, as alsoe of the order of Council of the 16th of February 1680. which, Sir, I doe here protest, and declare in the presence of Almighty God I never had sight of from either of them, and therefore let me beg that you'll please to take this following account: Some time last year after M^r Christopher rousby his Majestie's Collector went for England, there arrived here a vessell from Poole, one Alexander Dennet master, and another from Liverpoole the master of which was one Tarleton, both which masters brought Certificates of bond given in England for transporting their tobaccoes for Ireland, there was alsoe one Sheppard Comander of the S^t George of London with the like Certificate who arrived a considerable time afore the two former; M^r Nicholas Badcock, His Majestie's Comptroler, and Surveyor here, comes to me, and signifies, that he had been with Dennet and Tarleton to demand the penny per pound duty, and that they refused to pay him any, unless he would give them security to beare them harmless to their owners, never

tells me that he had demanded the same of Capt: Sheppard Commander of the S^t George, which he ought to have done, and to have demanded my assistance for the compelling Sheppard, as well as Dennet and Tarleton, for which two I owne he prest me to assist him. Upon this I askt him whether he really thought the Certificates of Dennet and Tarleton good, and according to law; to which he answered, he thought they were; I then askt him whether he thought His Majestie's Customs were not thereby secured, and he answered yes, but with all told me that by an Act of the 25th of His Majestie's reign entituled an Act for the better securing the Plantation Trade such masters, as had certificates for Ireland, ought still to pay the penny p pound duty, unless such masters would give bond here anew with good security for the carrying their respective ladeings of Tobacco for England, Wales or town of Berwick: I then askt him whether the Act made the 22. and 23. yeare of His Majestie's reigne, entituled an Act for regulating the Plantation trade whereby the word Ireland was left out, was not expired, to which he replied, it was: I then further askt him, whether since that Act was expired; he did not take the act of Navigation made in the twelfth yeare of His Majestie's reigne, to be againe in its full force and vertue: to which, he positively made answer, that, yes, he thought it was: I then told him, that if he granted that, I could not see any reason for his requireing the penny p pound of the above-said two masters, since the Act of Navigation was by him own'd, to be in all its parts in full force; he then said, that, notwithstanding, by the Act for the better secureing the Plantation trade such masters must pay the penny p pound: this seeming, of a sudden, to me to be a kind of contradiction, I desired to know of him what instructions he had from the Comissioners of His Majestie's Customes in such cases; to which he made me noe answer, but, in a scornfull and rude manner, told me he knew his business, and was certaine he was in the right: finding him soe possitive and very haughty in his carriage all the time of this discourse with him, I desired him to meet me the next day at S^t Marys, that I might have the Chancellor's opinion in the business; and Badcock accordingly met me at my uncle's, where, by accident, there was the Secretary alsoe, and afore them Badcock and I discourst the thing over againe, but not afore them as a Councill, for theire was neither clerk nor enough to make a Councill; soe that in saying he was ordered by me to appeare at S^t Maryes afore my Councill is utterly false; for I never had such thoughts, only requested the said Badcock to meet me there for my uncle's advice in that business and it was (I must owne) his opinion that since the Act of Parliament made in the 22. and 23. yeare of His Majestie's reigne was ex-

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pired, and that the said Badcock did confess the Act of Navigation was againe in force, and the Certificates of Dennet, Tarleton and Sheppard, did make mention of Ireland, my uncle did conclude I was in the right; which was only his advice, and noe order of Councill in relation to it. After this I demanded of M^r Badcock what made him soe confident in his opinion, for he began to be very high, and told me he would complain to the Comissioners, I demanded of him whether he had any instructions for what he stood upon, that if he had, or any late order, I knew not of at that time, he would doe well not to keep me in the darke: but, in the presence of Almighty God I here declare it, that he never made mention of any instructions nor of His Majestie's Order in Councill of the 16th February 1680. which I find since he had by him, but would produce neither to me, for had he but given me the least hint of his instructions or of the said Order of His Majesty in Councill, I had been the most impudent of men to have withstood my Sovereigns commands therein: but as I have already assured, I doe againe, Sir, here solemnly protest in the presence of God, that as I never was permitted either by Rousby the Collector, or Badcock the Comptroler and Surveyor, to have a sight of the instructions from the Comissioners of His Majestie's Customes to them, soe I doe alsoe in like manner affirm, that until some months after Badcock's death, I never saw His Majestie's Order in Councill of the 16th of February 1680; which in December last, I received from the Comissioners with their letter of the 19th of September last; and did in my letter of the 26th of January last (which was my answer to that letter of theirs) acknowledge my receipt of the said order; and afore that letter of theirs I never had any notice of the said order. To the truth of all this I am and will be ready upon the least notice from your selfe that His Majesty commands it, to goe over to M^r Secretary Spencers in Virginia and there make oath afore him not only to every particular of what I now write; but alsoe of what I writ to you by Cap^t Christopher Evelin, by whom I presumed to send you a large pacquett in February last; the which I hope may have ere this arrived at your hands. As to this complaint and information of M^r Nicholas Badcock, had I, not been held in ignorance (by his means & the Surveyor) of their Instructions from the Com^{rs} of his Majestie's Customes, and of His Majestie's Order in Council already mentioned, I should never have writt so confidently to the Comm^{rs} as I did by my letter of the 7th of June last, as alsoe to the Earle of Anglesey in my letter to his Ldp of the same date, and therefore I presume to hope His Majesty will be graciously pleased to believe, that my transgression has been thro' ignorance, and for want of those directions, which I am now certaine

Mr Badcock had by him, and might have shewne me, but was resolved to keep me from the knowledge of them, that soe I might fall under His Majestie's displeasure, which through Badcock's and rousby's means and malice, I now most unhappily lye under. This, Sir, is the naked truth of that business, which I will owne to my last breath, and I doe yet hope to make it appeare, that I have a greater sense of my duty and loyalty to my most gracious & dread Soveraigne, than willingly, knowingly or wittingly to offend him in thought, word or action. Begging your pardon, Sir, for detaining you thus long; and that you'll please to owne me as, in truth I am by great obligations

P. R. O.
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Most honoured Sir
Your most faithfull, humble
and obedient servant.

His Majesty's letter had been kept
two or three days by the commander
after his arrivall and came to my hands
broke open, I know not whether it came
soe from White hall, which I presume
to acquaint you with.

(Endorsed)
Maryland. 18th May. 82.
Lord Baltemore

Justifies himself as to the complaint of Badcock having had no notice of the Order of Council till after his dispute with that Officer.

For the right hon^{ble} Sir Lionel Jenkins one of His Majesties principall Secretaries of State

These humbly
Present.
Att White Hall.

Letter from Lord Baltemore to Sir Lionel Jenkins. dated
31st May 1682.

Maryland 31st of May 1682.

Most honored Sir,

Since my last of the 18th instant of which the enclosed is a duplicate I sent over to Virginia but Colonel Spencer was not then returned from James City: but doe understand that several of those cutters up of Tobacco have been apprehended, and are in prison; and that the Boddy of them were dispers't by the great care of the Governor and Councill: but not all of them come in. 'Tis confidently affirmed that one Major Beverley is taken, and made prisoner on board the shipp, called

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the Duke of York; and that the cutters of Tobacco have destroyed all in Middlesex, Gloucester and new Kent County's, and that by a computation made by some chiefe men on the south side of Potomack river, there has bin as much cut up by this rabble as would have amounted to six or seven thousand hogsheads: some will have it tenn thousand. This is generally what is given out by the Virginians on Potomack river. I presume, Sir, herewith to send you a relation of that dispute & difference I had with M^r Nicholas Badcock, as also from under the Chancellors and the Clerke here of the Councill their hands, that the said Badcock was never called afore my Councill about that difference with me which he affirmed he was (as it appears by His Sacred Majesty's letter of the 8th day of February 1681/2.) I also send a true Copy of a letter from M^r Christopher rousby to one of my Councill Colonel William Steevens dated the 14th of December. Likewise an extract of another from rousby to M^r robert ridgley of the 6th of December, the whole letter being two sheetes of paper close writt, soe that I would not trouble you with a Copy of the whole; by the latter part of which he seems to resolve to follow his old practise, of taking an easy penny, as he tearmes it, by which means his Majesty must be damnified in his Customes, for if rousby did not compound with Masters, all the Tobacco exported hence would certainly be carried directly for England, and this I am certaine of—I humbly beg that when His Majesty's Collector shall come, he may be commanded to give me Coppy of his Instructions, and of all orders from time to time which may any wayes relate to His Majesty's interest and service, and then I shall not doubt but to approve myselfe a faithfull observer of all comānds as well as a dutifull subject to my king, and now I will crave leave to assure you that I am

Sir,

Your most faithfull obedient
& most humble servant
C. Baltemore

I beg you will please
to present my humble Petition
to His most sacred Majesty.

(Endorsed)

Maryland. May. 82.

Lord Baltemore

For the right hon^{ble} Sir Lionel Jenkins; one of His Majesty's principal Secretary's of State
humbly present
att
White Hall.

To the Kings most Excellent Majesty
The humble Petition of Charles Lord Baltemore.

P. R. O.
Colonial
Papers.

Sheweth

That your Petitioner having received your sacred Majesty's letter bearing date the 8th day of February last and finding therein (to your Petitioners unspeakable grieve and affliction) your Majesty's high displeasure as well upon a complaint made by M^r Nicholas Badcock your Majesty's late Comptroler & Surveyor of your Customes in this Province as likewise upon a letter of your Petitioners of the 7th of June last to the Commissioners of your Majesty's Customes. Your Petitioner doth most humbly pray and beseech your most sacred Majesty to permit him to offer to your princely consideration something by way of extenuation of the transgression which your Petitioner doth acknowledge himselfe guilty of. When the said Badcock came to your Petitioner for assistance against rich^d Sheppard commander of the S^t George of London, Edward Tarleton master of the Freeman of Liverpool and Alexander Dennet master of the Dolphin of Poole, your Petitioner not having seen your Majesty's Order in Councill of the 16th of February 1680. nor ever permitted by your Majesty's Collector or Comptroler here the perusal of any of their Instructions from the Comm^{rs} of your Majesty's Customes, and the said Badcock having suffered a month almost to passe afore he came for assistance against the said Sheppard who arrived in this Province, and was entred the 23rd of April 1681.: when as Dennet arrived and was entred the 14th and Tarleton the 17th of May 1681. This & your Petitioner not having by him the Act of Parliament made in the 25th year of your Maj^{ty}'s reign, entituled an Act for the better secureing the Plantation trade, was the only reason your Petitioner made that difficulty, and did deny the said Badcock assistance, which your Petitioner ought not to have don. And upon your Petitioner's receipt of a letter in December last from the Comm^{rs} of your Majesty's Customes, bearing date the 19th of September 1681. (in which was sent to your Petitioner your Majesty's order in Councill of the 16th of February 1680. the which your Petitioner had never received afore. Your Petitioner was extremely sensible of his error, and transgression which was not wittingly nor knowingly committed by your Petitioner. And whereas the said Badcock did further inform your Majesty's Commissioners that he had bin ordered to appeare before the Councill here, 'tis most certainly false as your Petitioner has already presumed to signify at large to Sir Lionel Jenkins your Majesty's principall Secretary of state, as also what the said Sheppard, Dennet, and Tarleton exported out of this Province that summer.

P. R. O.
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Wherefore your Petitioner in all loyalty giving your sacred Majesty most humble thanks for your princely Clemency, doth humbly beg and beseech your Majesty that you will please not to look upon your Petitioners late Transgression as the effect of any wilfull fault or neglect in your Majesty's service, but only of Ignorance, for want of such orders, & Instructions, as Your Majesty's Comptroler might have produc't to your Petitioner.

And your Petitioner (as in duty bound) shall ever pray.

C. Baltimore.

(Endorsed)

Maryland—82.

Lord Baltimore's Petition and
Submission to his Majesty.

A True relacōn of the Dispute and Difference that hapened betwixt me and M^r Nicholas Badcock His Majestie's Comptroler about M^r Alexander Dennet master of the Dolpin of Poole and Edward Tarleton Master of the Freeman of Liverpoole.

That some time towards the latter end of May 1681. M^r Nicholas Badcock His Majestie's Comptroler and Surveyor of His Customes here came to my house and acquainted me with the arrivall of one Alexander Dennet Commander of the Dolphin of Poole and one Edward Tarleton Commander of the Freeman of Liverpoole and that these Commanders having brought Certificates of bond given for returning to England or Ireland he was to receive the penny p pound duty of them upon this I ordered my Collector to be called and of him demanded whether such masters were arrived and with such certificates as the said Badcock had mentioned & my Collector assured me there were such and immediately brought me the book of Entries in which I found the above said Dennet entred the 14th of May and Tarleton the 17th of May 1681. after this Badcock againe demanded whether he was not to have the penny p pound duty of these two masters upon which my Collector standing by told the said Badcock there was Captain Sheppard Comander of the S^t George of London belonging to M^r John Bawdon merchant in the City of London that had entred with Capt: William Diggs the 23^d of April 1681. and as he believed had brought a certificate with the word Ireland inserted and that if the penny p pound were due upon such certificates he would have done well to have begun with Sheppard first M^r Badcock being somewhat slow in making an answer to what my Collector had spoken I demanded of Badcock whether he had been with the said Sheppard and he answered me yes, I then askt him at what

time he was aboard the S^t George, he told me about three or four daies after Sheppard's arrivall in Wiccocomico river I then demanded why he expected not the penny p pound from him as well as Tarleton and Dennet since Sheppard had as my Collector informed me the like Certificate with the other two, to this he coldly replied that Sheppard ought to pay the duty also but said I M^r Badcock I observe you have not bin with me about the S^t George yett tho' that Vessell hath been nere a month in the Province and had not my Collector told you in my hearing now that Sheppard had the same Certificate with Dennet & Tarleton I question much whether ever you would have bin soe carefull to demand His Majestie's duties of that ship as now you are of these smaller Vessels whose masters you are often more buisy with then with the Commanders of the greater ships, these expressions of mine put the Gentleman into some heat and many people then in my yard wonder'd what person it was that discourst so loud with me I then desired to reason the case calmly with the said Badcock and demanded of him whether he thought these Certificates good and the bonds legally taken at London, Poole and Liverpoole, he answered yes, they were he judged I then askt him whether the Act was not expired which had for some yeares left out Ireland he said it was I then desired to know of him whether the Act of Navigation was not in its full force againe to which he answered me it was but said he notwithstanding that the penny p pound must be paid here where Certificates are produced for goeing for England or Ireland and this by the Act of the 25th of this King entituled an Act for the better secureing of the Plantation trade I thereupon demanded a sight of that Act but he told me he had it not then with him I askt whether he had any instructions from the Comm^{rs} in that matter in regard he was soe positive and high in his carriage to which he made me noe direct answer but told me he knew what he had to doe and he was certaine he was in the right I then desired him to meet me the next day at S^t Maries that I might have the Chancellor's advice and accordingly we mett where alsoe happened to be the Secretary and afore them I & M^r Badcock repeated all that I have here related and the Chancellor thought me in the right he not having a sight of that act of the 25th of His Majestie's reign which the said Badcock said was at Colonel William Steevens at the easterne shoare where he often resided nor the perusal of any Instructions from the Comm^{rs} of the Customs which had the said Badcock or rousby the Collector ever permitted me a sight of I had never refused assisting the said Badcock in that which he complained to the Comm^{rs} against me and whereas the said Badcock informed the Comm^{rs} that I

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P. R. O. Colonial Papers. required him to appeare afore the Councill 'tis utterly false and malicious for when I and the said Badcock mett at the Chancellor's there was not as many as would make a Councill neither was M^r John Llewelin who is and has bin for these several yeares Clerk of the Councill there present without whom there could not be a Councill and this is certified by the Chancellor and the said Llewelin and the same should have been alsoe certified by the Secretary but that it pleased God he was most unfortunately drowned some few dayes ago. Now knowing that the said Badcock would certainly informe the Comm^{rs} and complaine to them against me for he was so faire I must owne tho' in a very rude manner afore the Chancellor and Secretary to threaten me he would informe against me I writt by the first opportunity to the Comm^{rs} & by my letter of the 7th of June 1681. I signified what had passed betwixt me and the s^d Badcock and with all desired that if I was in an error they would please to pardon me and for the future sett me right This Lettér and M^r Badcock's complaint is that which lyes out against me and is the occasion of His Majestie's high displeasure as if I had knowingly and in a most contemptuous manner refused to assist His Majestie's Comptroller in the executing his Office whereby His Majestie's service was obstructed and the said Officer discouraged in his duty I now therefore beg that this may be considered whether any person that has any knowledge of me will think that if ever I had seen His Majestie's Order in Councill of the 16th of February 1680. which I declare I never saw till after the said Badcock's death it being sent me by the Comm^{rs} with their letter of the 19th of September 1681. which I received sometime in December last the receipt of which I have acknowledged in my letter to them of the 28th January last I say if I had ever seen that order afore Badcock's death whether I durst have presumed to refuse complying therewith And as in that case my contempt and want of loyalty and obedience to my Soveraignes comānds would have been the greatest that could be imagined soe my folly would have been noe less in laying mysele soe open to the Comm^{rs} as I did by my letter of the 7th of June 1681. if I had wittingly, willingly and knowingly transgrest in my proceedings with the said Badcock but as I did it ignorantly and kept in that ignorance by the malice of Badcock who I confidently beleve might at that time have that order of the king in Councill by him, I hope I shall not be held soe impudent and foolish as to send that letter of the 7th of June to the Comm^{rs} of the Customes as an acknowledgem^t of a wilfull disobedience in me to His Majestie's Order in Councill or indeed to any Instructions of the Comm^{rs} grounded upon the Act of the 25th of this king's reigne By which Act itselfe had M^r Badcock

ever vouchsafed to have shewne me which he never did nor have I seen it I can safely sweare this five yeares and better possibly my capacity might not have reacht to have seen it soe cleare as M^r Badcock did by the help of that Order of Council which I beleieve he had by him or by some instructions from the Comm^{rs} neither of which I had seen, and I presume that could every ordinary capacity have reacht to M^r Badcocks knowledge in this matter without the help of that order of the 16th of February 1680. that order would not I presume with all due submission to thinke have been past. Not but that if I seen the act of the 25th of His Majestie's reign when I had that dispute with Badcock. I should probably have found my error but with much more ease should I have seene it upon the sight of the said Order. Captain Sheppard cleered the 26th of July and had noe more than one hundred and ninety five hogsheads of the Growth of Maryland I say he cleered upon oath for noe more with Captain Diggs my Collector and to make up his loading he carried out forty five thousand Pipe staves all which with the Shipp belonged to M^r John Bawdon Merchant in London of whome the truth may be knowne as to that shipp and I hope it will be found that His Majestie's duties of those one hundred and ninety five hogsheads were paid at some of the Custome Houses in England of this Captain Diggs cannot certainly informe me as yet. As for Dennet & Tarleton the first cleered the 5th of July and was bound for Menis with lumber (viz.) Pipe staves squar'd timber, Planks &c. of this Province he carried noe Tobacoe out of the Province to which he made oath afore he cleered & at Anguilla he lost his shipp in a hurricane at which and the other Islands were cast away about twenty saile more. The said Dennet after the loss of his Vessel came a Passenger from Monnserrat in a Plymouth Vessel and is at this time in the Province and is ready to make the same oath he did afore Tarleton cleer'd the 22^d July and made oath to fifty nine hogsheads of Tobacco of this Province and noe more as will appeare by the Booke of Entries and for noe more did he pay any imposition money to me soe that it will easily be made appeare that rousby & Badcock were mistaken when they presumed to informe and complaine against me that His Majestie had been damnified in his customes two thousand five hundred pounds by the three Vessells above mentioned, this being the true state of that business betwixt Badcock and me and to which I will make oath when thereunto commanded by His Majestie I hope I shall not be thought to be soe much wanting in my loyalty and duty to my gracious King nor soe void of sense nor soe careless in my owne preservation as to doe act or soe much as to thinke that might offend in any kind or nature my dread soveraigne for whose

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P. R. O. long and prosperous reign noe subject ever wisht or prayed
Colonial more for then hath don and for ever will doe
Papers.

C. Baltemore.

29th May. 1682.

Coppy of that sent to Sir Lionel Jenkins.

[Indorsed]

A Coppy of the Dispute and difference my Lord Baltemore
had with Mr. Nicholas Badcock.

For Rich^d Burk

Chancellor Calvert's Certificate

5th June 1682.

Whereas I am informed that M^r Nicholas Badcock His Majesty's late Surveyor Generall of His Customes in this Province of Maryland did by letters unto England written some small time before his decease here in Maryland complaine that the right hon^{ble} Charles Lord Baltemore Lord and Proprietor of this Province had ordered him the said Badcock to appear before his Lordshipp's Councill at S^t Mary's and there denyed him assistance in obtaining one penny p pound duty which he claimed from Alexander Denmet master of the Dolphin of Poole as alsoe of Edward Tarleton master of the Freeman of Liverpoole I doe hereby certifie that I never knew of any such Councill held at S^t Marys nor elsewhere in this Province for that end, nor that the said Badcock was ever summoned to any Councill about that business though I doe know that the said Badcock had some discourse in my hearing with his said Lordshipp as they were walking together about that Duty and that then the said Badcock neither produced His Majesty's Order in Councill of the 16th February 1680. (which I never saw till November last past) nor any Instructions from the Comm^{rs} of His Majestie's Customes, nor the Act of the 25th of His Majestie's reign entituled an Act for the better securing the Plantation trade (which alsoe I have seen but lately) so that his claim seemed to me then without ground the said Masters having given bond according to the Act for Navigacōn &c. made in the 12th of His Majestie's reigne, and produced certificates from the said Ports respectively of their having given such bond as the said Badcock then confessed. In witness of which truth I have herunto sett my hand and seale this 5th day of June 1682.

Philip Calvert Can.

(Endorsed)

Maryland

Chanc^{rs} Calvert's Certificate

5th June. 82.

M^r Llewellyn's Certificate about M^r Badcock.

6th June 1682.

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Maryland ss.

Whereas M^r Nicholas Badcock Surveyor Generall of His Majestie's Customes within this Province did by his letters to the Comm^{rs} of His Majestie's Customes falsely suggest that having recourse to his Lordship the right hon^{ble} the Lord Proprietor of this Province in order to request his aid and assistance for the collecting of His Majestie's Customes from Alexander Dennet comāder of the ship Dolphin of Poole and from Edward Tarleton Comāder of the ship Freeman of Liverpoole last yeare in this Province was instead of such assistance summoned before his Ldp and Councill & there positively denied any assistance. Now know all persons whom it doth or may concerne that I John Llewellyn having been for the space of almost six yeares last past and now still at this time being Clerk of his Lordshipp's Councill doe of my certaine knowledge affirme and declare that since I have been employed by his Lordship and officiated as Clerk of his Councill the said Badcock was never sumoned nor did appeare before his Ldp and Councill within this Province neither was ever any dispute between his Lordship and the said Badcock concerning the same or any other matter or thing in any wise relateing to His Majestie's duties or Customes within this Province, soe that the suggestion of the s^d Badcock is altogether false & malicious. In Testimony whereof I have hereunto sett my hand the sixth day of June Anno Domini 1682.

John Lewellyn.

(Endorsed)

M^r Llewellyn's Certificate about M^r Badcock.

6. June. 82.

Extract of a letter to the Lord Baltemore from the Commissioners appointed by his Lordship to settle the bounds between Maryland & Pennsylvania.

June 17th 1682.

We have taken three severall observations and in all of them have not differed two minutes and we find M^r Augustin Herman's house to lye in the latitude of 39: and 45^m so that your Lordship has 15^m yet from hence due north which will go not far short of Upland and this differs very little from their own observation lately taken as wee are credibly informed wee have used our endeavours in letting all here know of your Ldp's desire to have the bounds determined and all seem much satisfied with your Lordship's proceedings much blaming M^r Markham that after so many flourishes he should be thus backward;

P. R. O. Wee question but the line will fall to answer your Lordship's
Colonial expectations and our true endeavours shall not be wanting to
Papers. give your Lordshipp satisfaction.

(Endorsed)
June 17th 82.

Extract of a letter touching the bounds between Maryland
and Pensylvania.

Sir Philip Calvert's Certificate touching Mr Badcock.
24th July 1682.

Whereas I am informed that Nicholas Badcocke late His Majesty's Surveyor of His Customs in this Province of Maryland hath writt into England that he was called before the right honourable the Lord Baltemore and his Councill heere in Maryland and these denyed assistance in his Collection of the duty of one penny the pound due upon the Act for the better secureing the Plantation Trade I doe hereby certifie that I never was present at any such Councell, nor ever heard of any such Councell. Neither did I ever heare of His Majestie's Order in Councell dated the 16th February 1680. till November last nor the Act for the secureing the Plantation trade till of late. In witness whereof I have hereunto sett my hand & seale this 24th July 1682.

Philip Calvert Can.

(Endorsed)
Maryland
24th July. 82

Sir Philip Calvert's Certificate touching Mr Badcock.

Letter to Lord Baltemore from Sir Lionel Jenkins. dated 10th
August 1682.

Whitehall 10th August 1682.

My Lord,

His Majesty being willing to promote the trade of His Subjects in those parts, and to encourage their industry by all lawfull wayes and meanes, hath thought fitt by the advice of his Councill, to give unto the right honourable the Lord Culpeper, Governor Generall of Virginia, Instructions and full power, with the advice and consent of the Councill and Assembly there, to pass such Act or Acts, as shall be thought convenient for his service, and conducing to the welfare of that, and other his adjacent Colonies; to the end therefore that so good a designe may be speedily put in execution so as the same may be rendered most effectuall, It is His Majestie's pleasure which I am commanded to signify to your Lordship

that upon the arrivall of the Lord Culpeper in Virginia, you doe advise and deliberate with him and concur with his Lordship and the General Assembly of that Colony; in such rules and instructions, about the planting of Tobacco, as shall be found most suitable to the present exigency of the place (the number of Planters and the increase of Plantations considered.) This His Majesty recommends to your Lordship to doe, by passing the like acts, or establishing the like orders & regulations, as near as is possible within the Province of Maryland, as may best suite and agree, with those Acts and regulations, which shall be made and passed in Virginia, touching the planting of Tobacco there, His Majesty judging that those limitations and methods w^{ch} may be found necessary for this purpose in Virginia, will not answere the ends proposed unlesse the same be established and observed in the Colony of Maryland likewise, this is all I have in command to write to your Lordship at this time, having not had an opportunity to lay your Lordship's last letters and papers of 31st of May before His Majestie which I will do with the soonest possible, and shall be glad to have such an answer upon them to returne to your Ldp, as may be to your satisfaction,

I am &c.

L. Jenkins.

To the right hon^{ble} Charles
Lord Baltimore, Lord Proprietor
of Maryland.

(Endorsed)
10th August. 1682.

To the Lord Baltimore about planting Tobacco.

To our Right Honorable Charles Lord Baltimore Proprietor
of Our Province of Maryland. (19 Aug. 1682.)

Right trusty and Welbeloved, Wee greet you well, Whereas by our letters Patent bearing date the 4 day of March 1680, We have been graciously pleased out of Our Royall Bounty and the singular regards Wee have to the meritts and services of Sir William Penn deceased to give and grant to our trusty and welbeloved subject William Penn Esq^{re} son and heir to the said Sir William Penn a certain tract of land in America by the name of Pensilvania, and in as much as the same according to the Bounds thereof expressed in our said letters Patents borders on Maryland We think itt will very much conduce as well to our Service and the improvement and melioration of the said Colonies as to the benefitt of the particulars Planters in both that the boundaries between them be set forth and ascertained which cannot by any method be so certainly effected

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p. 84

P. R. O. as by an admeasurement of the two degrees North from Wat-
Colonial kins Point to the expresse South Bounds in your Patent and
Entry Book, already so settled by Commissioners between Virginia and Mary-
Vol. 52. land and being willing to give the said William Penn all fitting
encouragement in planting the said Province for preventing
all disputes which may disturb an amicable and neighbourly
correspondence between you two and Our Subjects under
your respective commands Wee have thought fitt hereby to
recommend the same in a most particular manner to you willing
and requiring you, that with all possible speed upon the receipt
hereof to proceed to determine the Nothern Bounds of your
Province, as the same borders on Pensilvania by an admeasure-
ment of the two degrees granted in your Patent according to
the usuall computation of sixty english miles to a degree be-
ginning from the South bounds of Maryland as the same are
already settled by Commissioners as is abovementioned that so
our subjects transporting themselves into Pensilvania may
receive no discouragement by loss of time to the prejudice of
our service and their concerns And so Wee bid you very
heartily farewell Given at Windsor August 19th 1682. in the
34th year of our Reign

By His Majesty's Commands

Conway.

P. R. O. M^r Markham's reasons for not laying out the bounds of Pen-
Colonial silvania with the Lord Baltimore—dated 25th Sept^r 1682.
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To his Excellency M^r Lord Baltimore.

Whereas your Lordship hath been pleased to desire a reason
of me under my hand why I concurr not with your Lordship
in laying out the bounds of this Province Pensilvania upon
Delaware river; My Lord, this is my reason, that as I received
all that part of the river Delaware beginning twelve miles
above New Castle Towne and soe upwards from the Govern-
ment of New York which is according to the express words of
His Majesty's Letters Pattents to our Proprietary M^r W^m Penn
Esq^{re} I most humbly conceive that I am not to be accomptable
to any other person then His Majesty or royall Highness for
any part of this Province laying upon Delaware river & soe
bounded. But if your Lordshipp be willing to lay out the
bounds betwixt this Province and your Lordshipp's Laying
towards Chesapeake Bay and the rivers on that side I am ready
& willing to wayte upon your Lordshipp for that end and
purpose.

I am my Lord your Lordshipp's

Most humble servant

Upland in
Pensilvania. 7^{ber} 25th. 1682.

W^m Markham.

W^m Markham maketh oath that the above mentioned is a true Copy delivered by me to the Lord Baltimore.

P. R. O.
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W^m Markham.

(Endorsed)
Pensilvania

Mr Markham's reasons for not laying out the bounds of Pensilvania with the Lord Baltimore.

Sworne before the Committee 11th March. 84/5.

Saturday 18th of November 1682.

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Entry Book,
p. 79

In pursuance of an Order of Council dated 3rd November upon the petition of several Merchants and others having estates in His Maj. Plantations in America praying His Maj. to appoint some regular method for the transportation of servants to the Plantations, their Lordships read the several proceedings had in this case at the Council Board in the year 1664 and at the Council of Plantations in 1670 Whereupon their Lordships agree to move his Maj. in Council to appoint the following method to be observed by all persons sending servants to the Plantations declaring further that upon certificate of the due observation thereof, his Majesty will cause all such suits to be stopped whereby any person shall be molested in this behalf—viz^t

1. Such servants are to be taken by Indenture to be executed by the servant in the presence of the Magistrates hereafter appointed, one part thereof signed by such servant and also underwritten or endorsed with the name and handwriting of such Magistrate which is to remain with the Clerk of the Peace to be returned to the next Sessions there to be filed upon a distinct file and numbered and kept with the Records.

2. The Clerk of the Peace is to keep a fair Book wherein the name of the person so bound and the Magistrates name before whom the same was done and the time and place of doing thereof and the number of the file shall be entered and for the more easy finding the same the entries are to be made alphabetically according to the first letter of the surname.

3. All persons above the age of 21 years or who shall upon view & examination appear to be so in the judgment of the Magistrate may be bound in the presence of one Justice of Peace or of the Mayor or Chief Magistrate of the Place where they shall go on shipboard who shall be fully satisfied from him of his free and voluntary agreement to enter into the said service.

4. If any person be under the age of one and twenty years or shall appear so to be, he shall be bound in the presence of

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the Lord Mayor of London or one of the Judges or an Alderman of London being a Justice of the Peace or the Recorder or two Justices of the Peace of any other County or Place who shall carefully examine whether the person so to be bound have any parents or masters And if be not free they are not take such Indenture unless the Parents or Masters give their consents and some person that knows the said servant to be of the name and addition mentioned in the Indenture is to attest his said knowledge upon the said Indenture.

5. If the person be under the age of 14 years unless his Parents shall be present & consent he is not to be carried on shipboard until a fortnight at least after he becomes bound to the intent that if there be any abuse it may be discovered before he is transported And where his Parents do not appear before the Magistrate notice is to be sent to them or where they cannot be found to the Church Wardens or Overseers of the Parish where he was last settled in such manner as the said Magistrates shall think fit and direct.

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A narrative of the whole Proceedings betwixt the Lord Baltimore and Captain William Markham Deputy Governor under William Pen Esq^{re} as alsoe betwixt the Lord Baltimore, and the said Pen.

His Majestie having bin graciously pleased to give to M^r William Pen a Tract of Land in America to the northward of Maryland, the said Pen in Aprill (1681) sends one Captain William Markham his kinsman to be his deputy and towards the latter end of August following, Captain W^m Markham came to Maryland with a letter from M^r Pen to the Lord Baltimore and at the same time brought another from His most sacred Majesty bearing date the second day of Aprill in the three & thirtieth year of His Majestie's reign, the Lord Baltimore having perused the king's letter, as also that from M^r Pen, the said Markham was assured by the Lord Baltimore, that the king's commands should be readily and very speedily obeyed, and by that means M^r Pen's desires and request would be likewise complied with, the said Pen having by his letter requested that the Lord Baltimore would give all the dispatch possible in the business of the bounds. But by reason of the great heats then in August Captain Markham happened to fall dangerously ill, and because the Lord Baltimore was willing to embrace all opportunities of expressing his great friendship, respect and kindness to M^r Pen, he invited M^r Markham to his house where he continued very dangerously ill for the space of three weeks and better; some time in September the said Markham grew soe well that he resolved to return to Delaware, & before he parted with the Lord Baltimore they

both agreed to meete the sixteenth of October next following, in order to take observation for the ascertainment the fortieth degree of northern latitude; the said Markham having promised, and assured the Lord Baltimore, that he would send to New York to borrow of one Col. Lewis Morris there a sextile of six or seven foote radiis, being the only fit instrument that could be heard of. Captain Markham meeting with a long passage up Chesapeake Bay writes to the Lord Baltimore, that he could not possibly attend the sixteenth as had been agreed on, but desired it might be on the twenty sixth of October. But soone after that, came another letter from Captain Markham, wherein he gave the Lord Baltimore advice, that he was relapsed, and soe ill that he should not be able to attend the business of the bounds till the Spring. Whilst the said Markham was said to be thus ill, many reports were given out by the friends (vulgarly called Quakers) both of Maryland, as well as those of Pennsylvania, that the degree of forty northerly latitude would be as lowe as Pooles Island in the Bay of Cheaspeak; and it seems that M^r Pen had bin so far possesst therewith, that he made bold to write a letter dated the sixteenth of September (1681.) and directed the same to James Frisby, Edward Jones, Augustine Herman, George Oulfield, Henry Ward and Henry Johnson, at their Plantations in Pennsylvania; for soe was the letter superscribed, the contents of which being, that as he was confident, and ready to beleve they were within his bounds they should not pay any more taxes, or sessments by any Order or law of Maryland &c. This letter soe alarmed the Inhabitants of Baltimore and Cecell Countys, that they immediately refused paying their levys, which had bin assessed by a Law past but two months afore this happened. Notice hereof being given to the Lord Baltimore, and his Councill orders were immediately issued out to the military Officers of the said Countys to assist the respective Sheriffs in the due execution of their office, and with great difficulty it was that some of the inhabitants were made to comply with the then Publick leavy; tho' the parties to whom that letter was particularly directed, gave little credit to it, being confident that M^r Pen had been misinformed, as it will sufficiently appeare, both he, and many others have been in relation to the fortieth degree of northern latitude. The trouble and indeed sedition that the said letter had occasioned for some little time, made the Lord Baltimore judge it absolutely necessary to have the bounds speedily fixt; but Captain Markham was said to have a tertian Quartan ague, soe that the Lord Baltimore could not procure the settlement of the bounds, as he then desired; some time after this, reports came down to the Lord Baltimore, that one William Haig a Quaker,

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and much employed by Mr Pen had, taken observation at the head of the Bay, which very much dissatisfied the said Haig, and other friends for upon those observations it was then given out by the Quakers, that if the degree of forty did not afford William Pen a Harbor, he would be forct to buy one of Baltemore, or otherwise that their ships must enter and cleer in Maryland. The said Haig in a short time after this came to the Lord Baltemore's House on Pattuxent river, where, amongst other discourse, the Lord Baltemore askt the said Haig whether he had not taken some observations at Elk river for his private satisfaction, which Haig owned; but, with all pretended that the Instrument was soe small, that there could be noe certainty; the Lord Baltemore prest no further but told the said Haig he should be glad that Markham were well, for that he had several reasons to press for a dispatch of the business of the bounds; that the quiet and peace of Maryland very much required it. The fourteenth of May (1682) the Lord Baltemore writt a letter to Capt: Markham, who, he understood, to be well, to signifie that he appointed the tenth of June to meete him with persons to settle the bounds; to which letter the said Markham gave answer, and with assurance, that he would not faile to meete the Lord Baltemore at Mr Augustin Herman's Plantation on Bohemia river, which was the place the Lord Baltemore appointed to meet him; but some disturbance about that time, happening in Virginia, the Lord Baltemore did not think it prudent, nor indeed safe for the Province, to be at any distance from Patomeck river, over which the mutineers in Virginia threatened to come to cutt up the tobaccos in Maryland, as they had don in some Countys of Virginia; The Lord Baltemore therefore sent away Comissioners who were precisely on the tenth of June at Augustin Herman's Plantation, but neither finding Capt: William Markham nor any person else there from him, they immediately writt to him, and sent their letter by an expresse. But to that no answer was given, nor to a second they writt, tho' both (as can be proved) came speedily to the said Markham, who, to be out of the way at that time, pretended business at New York; when the Commissioners had expected some days, and finding noe hopes of seeing Markham, they for the Lord Baltemore's satisfaction made three several observations, in which they differed not above a minute or two. After this they being nere New Castle they had a curiosity to see that town, and being there they were told there was a sloop newly arrived from New York, that had brought the instrument which Captain Markham had sent to Colonel Lewis Morris for: with some difficulty and many entreaties they persuaded the master of the slooppe to permitt them the use of it,

& with it in a very cleere day being on the twenty seaventh of June (1682) they found the latitude of the place of observation which was in the towne, to be thirty nine degrees forty odd minutes; After the taking of this observation the Comm^{rs} returned, and then the said Markham sent letters, excuseing his being absent, and signified that he would be ready when ever the Lord Baltemore would appoint a second time; upon this the Lord Baltemore by Letters signified to Captain Markham, that he would not faile to be up at Augustine Herman's some time in September following; but a day certaine could not be fixt, by the Lord Baltemore in regard, as he signified by his letter, to the said Markham, that two of his Artists were then ill; but on the twelfth of September the Lord Baltemore set saile from Patuxent up the Bay and on the fourteenth the Ld. Baltemore mett at Major Peeter Sawyers a letter from Captain Markham dated the eighth of the same month, wherein he positively promised, and assured the Lord Baltemore that he would attend his coming: This letter put the Lord Baltemore out of all doubts, assureing himself that Markham would not be guilty of such incivilities and indecencies as he had offered the Commissioners. On the 19th of September the Lord Baltemore being arrived at Elk river he sent a letter to Markham to give him notice of his being there, on the twentieth his Ldp. writt to the said Markham againe, after writeing that letter the Lord Baltemore being certainly advised that Markham was gon up Delaware, and finding little roome, and want of severall conveniencies at M^r Herman's, the Lord Baltemore, with about twelve Gentlemen in Company with him, in all not above twenty persons, went the one & twentieth to New Castle, where staying till the three and twentieth, and heareing noe news of Markham's comeing, tho' it was proved he had received both the L^d Baltemore's letters, his Ldp the said three & twentieth in the evening procured boats, and that night reacht Upland and tooke his quarters in Captain Markham's lodgeings, who, his Ldp was told was newly gon up to Burlington in East new Jersey being gon after his receipt of his Lordshipp's first letter of the 19th of September. Sunday morning being the twenty fourth very early, Markham came into the creeke, at Upland, and was not a little amazed to understand that the Lord Baltemore was there about tenn of the clock that morning, Captain Markham came to see the Lord Baltemore, but with such a disordered countenance, and odd behaviour, as was easily perceived by all the Company, the L^d Baltemore not seeming to take any notice of the confusion he saw him in desired of Captain Markham that he might see the new Instrument for observation, which he heard M^r Pen had sent him, the which he readily yielded to, but for want of

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some small glasses, which the said Markham said William Haig had taken away, the instrument could not be made use of; Soe then the Lord Baltimore requested he might see the instrument Colonel Lewis Morris had lent, which was likewise brought forth by one richard Noble a quaker, who sett the same up, and it being a very cleer day observacōn wās taken therewith, by the said Noble, as likewise by those artists the Lord Baltimore had with him and they all agreed that the latitude of Upland was by that sextile of Colonel Morris in 39. degrees forty seven minutes and five seconds; after the taking of this observacōn the Lord Baltimore told Captain Markham, that since the degree of north latitude would be about twelve miles more due north from Upland it would be necessary to goe up Delaware river to see where forty did cut the said river; But the said Markham by the advice of Haig (who seemed to govern more than Markham) declined that proposition giving very slight reasons for his refusall, but told the Lord Baltimore that he was ready to goe to the heads of any of the rivers in the Bay to take the fortieth degree of north latitude, and to assure the Lord Baltimore of that, he immediately gave it under his hand; which the Lord Baltimore has ready to produce. The twenty fifth of September being munday the Lord Baltimore resolved to take his leave at Upland, and in the afternoone the Lord Baltimore, Captain Markham and above forty more, being at the landing in order to take boate, the L^d Baltimore spoake to the said Markham thus. You are sensible, Captain Markham, that by an observacōn taken yesterday, that this Plantation is in thirty nine degrees forty seven minutes and some seconds, and must therefore be sensible that I am here about twelve miles to the southward of the degree of forty, which is my north bounds, as the same is M^r Pen's south bounds. Therefore, afore you and afore all the rest here present I lay claime to this place, and as far further as the degree of forty will reach; to this Captain Markham replied nothing, but immediately conducted the L^d Baltimore to the Boate, assuring the Lord Baltimore that he would not faile the next day being the 26th to be at New Castle with Colonel Lewis Morris' Instrument, which the Lord Baltimore desired, and the said Markham likewise promised faithfully to bring with him to the end the degree of forty might be taken at the head of the Bay. The twenty sixth and twenty seaventh the Lord Baltimore waited at New Castle for Markham, but finding there was no hopes of seeing him, the Lord Baltimore returned to M^r Augustin Herman's and thither came a letter from Markham signifying that the persons most concerned for the Government, would noe wise consent that he should meete, as he had given under his hand, giving this reason that the

Quakers were very much disordered by the Lord Baltimore's laying claim to a place called Chichester about three or four miles below Upland. This being all that was don in relacōn to the business of the bounds, notwithstanding His Majestie's letter of the second of April (1681.) procured by the said William Pen, the said letter ordering the Lord Baltimore to appoint with all convenient speed. Some person or persons who might in conjunction with the Agent or Agents of the said William Pen make a true division and seperacōn of the Provinces of Maryland, and Pensylvania according to the bounds and degree of Northern latitude expressed in our letters Pattents by settling and fixing certaine land marks where they shall appeare to border upon each other which are the words of His Majestie's said letter. This letter of the King's was little regarded, tho' M^r Pen's letter of the tenth of April (1681.) to the Lord Baltimore gave notable hints for the speedy complying with His Majestie's Commands in that letter of the second of April. the which the L^d Baltimore was forward enough to have obey'd, had others had that due regard to His Majestie's grace and favour therein. But it not serveing the turne was wholly layd aside by Pen's Agent; About the twenty fourth of October following M^r W^m Pen comes into Delaware river, and came to an anchor afore New Castle, and there demanded and tooke the keyes of that Towne, and then tooke possession of what else His royal Highness the Duke of York pretends to; tho' the same hath been justly claimed by the present L^d Baltimore as also by his Father; This being don, without taking the least notice of his Highness his Gov^r at New York, and altho' the said William Pen sent a letter by his Secretary to the Lord Baltimore bearing date the second of November (1682.) writt at New Castle yett M^r Pen made no mention of such his proceedings, nor did he order his Secretary to take any notice thereof, which seemed a little strange to the Lord Baltimore who had bin told by M^r Pen formerly that His royal Highness the Duke of York had made him offers of his pretentions on Delaware, and that he had refused the Duke in regard (as he signified) he knew it to be the Lord Baltimore's and of this the Lord Baltimore took notice to M^r Pen at their Conference. On the thirteenth of December last the Lord Baltimore & M^r William Pen had a conference at the house of Colonel Tho^s Tailler at the ridge in Ann Arrundell County, to which place the said William Pen was so kind as to come; but afore the conference (which M^r Pen desired should have bin private) there was some what spoke by the said Pen, which in short was as followeth. M^r Pen signified, that as the King had given him a considerable Tract of land to the backward of the Lord Baltimore, he was

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sensible that without the Lord Baltimore's good neighbourhood and kindness to him, a great part of that Countrey soe given him, would prove but a dead lump of earth, for without an Inlett the same would be useless, and therefore he requested the Lord Baltimore to be soe good and kind a neighbour as to afford him but a back door for the improvement of that which otherwise (without such a convenience) would signify nothing to him; Adding this, that what was but the hundredth part of the Lord Baltimore's interest, would be ninety nine parts of the hundred of William Pen's. As this request of M^r Pen's did not at all seem unreasonable to the Lord Baltimore, soe was it not the Lord Baltimore's intentions to deny the said Pen any neighbourly, and friendly kindness; and all that the Lord Baltimore then replied was that he supposed M^r Pen did not expect a speedy answer to his request; which M^r Pen answered againe he did not; then the Lord Baltimore proposed to M^r Pen, that the Conference he had desired might be afore his friends, and such of the Lord Baltimore's Council as were then there; that it would be best, and safest to have it publick, for that an affaire of that concerne to them both, being publicly debated, would give most satisfaction to the Inhabitants of both Provinces. M^r Pen then demanded how many persons the Lord Baltimore would have present, the Lord Baltimore desired that all the friends he had brought with him might be present if he soe pleased, and that only six Gentleman of the Lord Baltimore's Councill should be the rest. M^r Pen did, at last, declare that what the Lord Baltimore desired was reasonable, faire and honourable; then all persons were called in, and the said Pen began his discourse which he continued for some time, after which he pulls out a letter, and gives it the L^d Baltimore, as the ground and foundacō of theire further discourse. The Lord Baltimore perceiving it to be a letter from His Majestie, reads the same privately, afterwards, againe, to the whole board; saying he found by that letter, that His Majestie had been misinformed, and to make that out, the Lord Baltimore reads the bounds mentioned in his Pattent; after this the Conference held for some howres, the which was taken in short hand by the Clerk of the Assembly in Maryland, and the next morning the Clerk brought it faire writt out; and the same was read, approved and signed by the Gentlemen of the Lord Baltimore's Councill. And had not the said Pen been hastned and hurried away by many Quakers, that are Inhabitants of Maryland to a meeting that day, M^r Pen had had a Copy of the said Conference with him; but loath he was to stay soe long, and therefore requested the Lord Baltimore to send him one, which accordingly has bin done. The Lord Baltimore with the Gentlemen of his Council waited on M^r

Pen to the place, where the friends meeting was to be that day, and there took his leave and parted with the said Penn, who the next day went to a general meeting at Choptank river in Talbot County, where the Lord Baltimore had ordered Colonel Philæmon Lloyd and his Major with some horsemen to waite on the said Pen in his returne, This is what past between the Lord Baltimore and William Pen who by agreement are to meete some time in March next for the finding out the degree of forty, northerly latitude. The King's letter which M^r Pen delivered at the Conference to the Lord Baltimore, bearing date the 19th day of August 1682. in the foure and thirtieth yeare of His Majestie's reign makes mention of an admeasurement of two degrees according to the usuall computation of sixty miles to a degree to be the best, and certaine method of setting forth and ascertaining the boundaries between Maryland and Pensilvania; but the Lord Baltimore humbly conceiving that His Majestie had received some misinformation touching the bounds of his Province, did, at the Conference, produce his Pattent, and the bounds of the same were read to M^r Pen, and the Gentlemen, then at the Board; After which M^r Pen proposed, as a more equall way for him, and the Lord Baltimore to take their comēcement from the Capes which (as the said Pen affirmed) lay in thirty seven degrees, and five minutes, and that having bin received for a long time to be the true latitude of the capes, and by which masters of shippes have governed themselves would be as well for the Lord Baltimore, as the said William Pen. Urgeing that an uncertainty of soe long standing would be better than to runn into new errors, which discourse of M^r Pens seemed to shew a jealousie in him, and not to carry much reason with it, or which many of the Gentlemen, then present, imagined rather proceeded from an unwillingness to have the bounds ascertained the surest, and most certaine way, which, as the Lord Baltimore had often urged might be by a sextant of six, eight or tenn foote, diameter, which being large and fixt in a frame, and the frames standing sure upon firme ground, must by all Artists be held a more certaine way of taking an observacōn, then by a small sea quadrant, and that held up by the hand, which is always in motion, and the persons perhaps aboard a ship who tooke the latitude of the capes; where there was the shaking of the hand and error in the Instrument besides the unskillfullness & ignorance of those observators against which M^r Pen spoake soe much; But in a fixt Instrument of the Diameter abovesaid and that set in a frame on firm land a certain observation may be taken, and that with out the help of an horrison, and this M^r Pen it's beleevved knew well enough to be the surest way; but he having been misinformed as to the

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degree of forty northerly latitude (which he was assured would fall lower than Saxafras river in the Bay of Chesapeake as by their false mapps appeare, and having assured his friends, and particularly those of his late Society for Trade, that all the head of the said Bay would fall within Pensilvania) is now unwilling to have the truth discovered. For whilst M^r Pen and his friends were kept in their said error about the degree of forty then the Lord Baltimore was prest to have an observacōn taken, and His Majestie's commands in the first letter of the second of Aprill 1681. complied with; but that first letter not serveing the turn another was procur'd upon as great-a mis-information to His Majesty as could be given. And it will also appeare that upon such blind observations as are usually taken by masters of shippes (who often times are noe more artists than just to saile their shippes to porte by guesse) these great mistakes have risen. For M^r Pen did owne to the Lord Baltimore, that both His Majestie and the Lords of the Councill were assured that New Castle lay seaven, eight or tenn miles to the northward of the fortith degree northerly latitude, whereas M^r Pen, his deputy William Markham and the chiefe of the friends (called Quakers) have since owned that New Castle lyes some miles to the southward of that degree. Now, whereas the said Pen desires to have an admeasurement from the Capes, to the degree of forty, offering that as the most equall way 'Tis well knowne, that that can never be effected by reason the wayes from the Capes to Watkins Point are not passable, there being not only waters to pass over, but likewise such rotten grounds, as noe person can gett thro; and from Watkins Point (the Lord Baltimore's south bounds) there are severall large rivers to crosse over, besides that a due north line will crosse Chesapeake Bay towards the upper part thereof, and for these reasons (were there noe other) those offers and proposalls of M^r Pen to the Lord Baltimore can never be comply'd with, and soe consequently the degree of forty must be taken as the Lord Baltimore, at the Conference, did propose.

(Endorsed)

Delaware. 13th Dec^r 1682.

Conference between my Lord Baltimore and M^r Pen.

A Conference held between the right Honor^{ble} the Lord Baltimore Proprietor of Maryland and William Pen Esq^{re} Proprietary of Pensilvania at the house of Colonel Thomas Tailler on the ridge in Ann Arrundell County Wednesday the 13th of December 1682. Viz^t

William Pen Esq^{re} declares in a very florid manner his reall and hearty inclinations to maintaine and keepe a neighborly and friendly correspondence with his Lopp. and the people of

this Province that it was not the ambition of Government or Dominion that flatter'd him into these parts of the world but meerey to secure his owne that moved him to come into this Country which since it was his fortune he well enough liked and shall study all wayes and meanes imaginable to approve himselfe a good Neighbor he then produces a letter from the King to the Lord Baltemore as a foundation or introduction to their further discourse.

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His Ldp having read the letter answers vizt:

L^d Baltemore His Majestie's letter I receive with all respect and with that sense of my duty as becomes me but by the purport of this letter I conceive His Majesty hath received some misinformation for the cleering of which I have here not only a copy of mine but a Transcript of your Pattent by both which we must be governed I having for my northern Bounds the fortieth degree of northern latitude which by your Pattent is your Southern bounds as Watkins point is mine.

His Lopp then reads the Bounds in the Pattent.

W. Pen Esq^r By my Petition to the King I craved five degrees northward the Lords told me it was a great deale of land that my Lord Baltemore had but two to which I replied that the difference was vastly great on my Lord Baltemore's side as for its position being richly accomodated with the Bay on both sides and severall faire navigable rivers and Creeks &c. and my reason for soe great a quantity was not out of a covetous humour but only that I might reach the lake of Cannada for the conveniency of an inlett to my Province to which they gave their opinion that I should be answerd to that by having a passage in this Bay but if the Lord Baltemore will stand to and abide by the literall sense of his Pattent, then I think we must lay aside the King's letter untill we shall have first considered the grants and reasons of our Pattents—If the Lord Baltemore will take thirty seaven and half degrees for thirty eight and soe runn on to forty being halfe a degree of difference I think it is considerable and had I coveted to have taken my comencement from Watkins Point as the Lord Baltemore is allowed I had possibly gained more considerably but confident that he would not endeavor to deprive me of anything that might conduce to my benefitt without any great prejudice to himselfe I was contented to begin where the Lord Baltemore ended being firmly and stedfastly resolved to approve myself his good neighbor and give him the right hand of fellowship and it shall be the Lord Baltemore's fault and not mine if there be not as faire and amicable Correspondence between the two Provinces as between any united Provinces whatsoever but if His Majestie's letter must be waved we must proceed moderately to argue the grounds and reasons of our Pattents and waite

P. R. O. the King's leisure for a further interpretation of his grant
Colonial to me.
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Lord B. It was never my intentions nor indeed in my thoughts to deprive M^r Pen of anything that might conduce to his benefit soe as the same may not tend greatly to my prejudice and what M^r Pen means by a comēcement from Watkins Point I understand not but sure I am that had his Pattent given him his comēcement anywhere to the southward of the fortieth degree of northern latitude he had deprived me of soe much of my right which yet I beleeeve M^r Pen never desired nor coveted But M^r Pen you seem a little unkind in having proposed any deniall of mine to what you offered and for any kindness you may reasonably expect from me I think it not soe well timed let but the line be first layd out thereby to ascertaine to each of us his propper and just bounds and then lett it be seen whether I shall deny M^r Pen any neighborly kindness within my power.

W^m Pen. The King it's true did command the laying out the line between us but if for a more ready way of accomodacōn to us both he hath thought fitt to make other proposalls I cannot tell why they may not be taken into consideracōn but I shall concede and wave that letter wholly making this further offer The Capes for several years have bin reputed to lye in the latitude of thirty seaven or between thirty seaven degrees and five minutes or thereabouts and hath bin soe generally taken and approved on by all persons for some considerable space of years and by which calculation all ships and Vessels have proceeded on their Voyages before such time as either intrest or prejudice could sway them on the one side or the other soe then if the Lord Baltemore please to take his comēcement from the Capes which has bin generally and of soe long continuance reputed to lye in thirty seaven degrees and five minutes and from thence measure by line two degrees fifty five minutes will just reach to the fortieth degree.

Lord B. My Pattent gives me the fortieth degree of northern latitude for my northern bounds and there is noe way soe certaine to find that as by an observacōn to be taken by a sextant of six or seaven foote radies and such an Instrument you have belonging to Colonel Lewis Morris of New York besides your comēcement by your Pattent is given at the fortieth degree of northern latitude.

W^m Pen. Then I shall only say we will wave and wholly lay aside the King's letter at this time if the Lord Baltemore will begin at thirty seaven and a halfe insted of thirty eight he will then indeed have more than was designed for him I therefore offer as a medium between us the more easily to accomodate this matter let the Lord Baltemore first begin at the antient

and generally reputed and knowne place of thirty seaven degrees and five minutes and thence with a direct line to forty what falls then within his bounds much good may it doe him I am contented and doubt not but he is soe worthy and soe much a Gentleman as not to endeavor to deprive me of anything shall appeare to be within my Grant, This I say I offer onely to lett the Baltemore know that altho' I am sensible the King's letter is grounded upon strong presumption and sound circumstance yet I am willing to wave that and accomodate the business between us a more equal way as I conceive viz. to comence at the common, generall and soe long reputed know place before either the Lord Baltemore or myselfe could challenge any interest in these parts of the world.

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Lord B. It is other discourse that I expected to have heard from you at this time and well hoped I should have bin soe far favored by you as to have received some small advice from you before you had soe far proceeded upon that part of the Countrey which has bin always reputed and knowne to be justly claimed by me but to wave that I desire to be informed by you whither you have purchased the Dukes pretentions to Delaware.

W^m Pen. Upon tearmes of the moiety of halfe the revenues thereof to be reserved for himselfe I hold it of his gift but this leads to other discourse I would willingly proceed first to the ascertaineing the bounds between us

Lord B. The certaine bounds betwixt us must be the fortieth degree of northern latitude as I have already shewn you by my grant.

W^m Pen. And to find out that I propose in my judgement the most equall way that can be which is to begin at the Capes a place soe generally and soe long knowne and reputed to lye within the latitude of thirty seaven and five minutes, and has not for the space of soe many years bin knowne to vary foure or five minutes by any observacōn yet taken and soe from thence to measure two degrees fifty five minutes which will just make the fortieth degree.

Lord B. My southern bounds being Watkins Point was soe determined by Comissioners from His Majesty and others from my father, now had they sett out Watkins Point higher up the Bay my Father must have bin contented therewith and the Northern bounds being the fortieth degree of northern latitude beyond which I am not to runn.

W^m Pen. Possibly the Lord Baltemore's southern bounds might be layd out by Comissioners who may be could or did not see what they did the uncertainty of an observacōn I apprehend and conceive it dangerous to confide in for by the shaking of a hand the error in the instrument or the unskillfullness or ignorance of the observator great inconveniences may incurr

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to the prejudice of either side but I doe offer as the most equall way between us to pitch upon the soe long reputed and generally knowne and received place of thirty seaven degrees odd minutes which for the space of forty, fifty or sixty yeares has bin concluded the latitude of the Capes (speaking now of antiquity & before ever the Lord Baltemore or myselfe were ever concerned in these parts) and from thence to measure by line till we arrive to forty which I conceive farr more safe than to trust to the ignorance of an observator the shakeing of his hand or a bad instrument.

Lord B. A more certaine observation of the fortieth degree may be now taken at the head of the Bay than formerly there was of thirty seaven and halfe where you say the capes lyes and I apprehend it to be more safe and sure for us both to have an observacōn taken in the proper place with such an Instrument as I have already spoke of and surely M^r Pen you will as well confide in your friends as I shall on such as I shall appoint to joyne with them Now for your owne satisfaction the course you have proposed may be pursued but that which I shall depend on & be wholly determined by is a due observation to be taken of the fortieth degree being the northern bounds of my Pattent.

W. Pen. I doe not object against the Lord Baltemore's bounds but I say to find that out which I think a case wherein a man ought to be as cautious as in the choice of a wife well to consider before hand I propose the most equall way between us both to take our comēcem^t from a certaine generall reputed taken and received place of latitude of soe many years standing described by all mapps and by which all masters of shippes and vessels have been governed and soe from thence proceed distinctly to measure to forty soe to remaine to posterity in order to the waveing any future disputes or differences which is all the favour I request.

Lord B. Since you owne the case to be so tender as truely I doe I think there will therefore be the greater reason to have our business determined the best and surest way which I have already offered tho' for your satisfaction M^r Pen I shall not refuse the liberty to any person to doe that which you propose and make report to you that which I am resolved to trust to and be concluded by is an observation to be taken with an instrument of six or seaven foote diameter for the sunn will deceive neither of us.

W. Pen. I acknowledge that as a favour from the Lord Baltemore but still I moove the most equal way in my opinion of ascertaining the bounds between us.

Lord B. M^r Pen you did I remember once propose to me in England that you had offers made you of that part of Dela-

ware from his royale Highness which I lay claime to but you would not as you then said accept thereof because you knew it was mine the same I heare you have now possesst yourselfe of I onely desire to know upon what tearmes you claime.

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W. Pen. If the Lord Baltemore please I desire we may first conclude our former discourse and then I shall shew myselfe most willing and ready to give you all satisfaction I can in that point.

Lord B. I am willing and have allways been ready to conclude the business of the bounds according as my Pattent directs me.

W. Pen. I conceive that where there is a certaine degree allowed of and generally received for the space of soe many years to comience there and soe proceed by measure to the fortieth degree is the most equall way can be proposed and am willing to be concluded thereby and hope the Lord Baltemore may not be opposite to it and if that which is not the hundredth part of my Lord Baltimore's interest may be ninety nine parts of the hundred of mine nay possibly sine quo non that upon which the rest wholly depends the Lord Baltemore I request will not place my eagerness therein to the account of my disrespect but of my interest and honest endeavours to hold a faire and amicable correspondency with him for that I cannot imagine that fifty or sixty yeares experience and general concurrence in opinion could have any designe of favoure or prejudice either to the Lord Baltemore or myselfe.

Lord B. The latitude of the Capes was taken by a sea Quadrant which by noe artist will be held for exact and certaine as an Instrument of six, eight or tenn foote diameter and with such an instrument I desire to have the degree of forty taken

W. Pen. I doe not apprehend that a sea quadrant can have any prejudice for the Lord Baltemore more then for William Pen.

Lord B. I say that it was more uncertaine the observation formerly taken at the Capes by a Sea Quadrant then an observation now to be taken of the fortieth degree of Northern latitude with such a fixt land Instrument as I have already made mention of can be.

W. Pen. You say true the taking of thirty seven then may be as uncertaine as the taking of forty now, but I say an uncertainty of soe long standing and soe generally received and approved of by all persons when neither the instrument nor observator could be imagined to have any design of interest or prejudice for either of us is safer to depend on then to runn into new errors and then if it fall within my Lord Baltemore's bounds I hope he will be kind to me and if within mine I shall approve myselfe as kind to the Lord Baltemore as I intended.

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Lord B. The way that you propose should I yield to it would be but error upon error therefore let our bounds be ascertained as I have offered then possibly I may have an opportunity of shewing my kindnes to M^r Pen and till that be don neither he nor I can approve ourselves as we both desire.

W. Pen. I have I think proposed the most equitable way to that end but suppose the Capes to lye within the latitude of thirty seaven and this part of the Country in thirty six degrees and thirty minutes which is halfe a degree difference what will then follow but to sett the sea and land together by the eares but waveing disputes of that nature I am contented to take our comencement from the long generally taken and reputed place of thirty seaven degrees and five minutes and thence to run to forty which I apprehend the most faire and equal way and am thereby willing to be concluded.

Lord B. Would it not seeme very strange & preposterous in England for me to proceed upon a bare suggestion or supposition of an observation of thirty seaven taken at the Capes and that by masters of shippes with their small Quadrants to find out the degree of forty?

W. Pen. Let the Lord Baltemore pitch upon one and I another to goe and take their observation at the Capes and from thence calculate where Watkins Point lyes which will not cost above five or six days expense and from thence proceed to find out the degree of forty by which as I have soe often reiterated I am willing to be concluded as for the Land in dispute I vallue it not but barely for an Inlett for the conveniency of my Province.

Lord B. It is not to deprive M^r Pen of an Inlett to his Province but my interest which makes me argue this much for should I consent to take that for my bounds which in truth is not would be a meanes to destroy the very foundation of my Pattent which you cannot blame me if I be not soe forward to doe.

W. Pen. If the Lord Baltemore would vouchsafe to discourse with me a word or two in private I should possibly open myselfe more fully and freely in this point and frankly acquaint him what I would request of him and whether the head of the Bay fall within his or my bounds we should I doubt not make all things comodious between us for which reason I would crave a little private discourse with the Lord Baltemore.

Lord B. I hope I have not offered anything injurious to M^r Pen onely am desirous to preserve my own interest to which end I desire that two able men may be made choice of to find out the degree of forty whereby I am bounded by my Pattent to the Northward here is Captaine Connaway a good discrete able man let him be one before he goes out.

W. Pen. Capt: Connaway it's true is a knowing person but before we goe further I am desirous to purge him of some aspersions have bin cast on him that he should have advised me I doe declare that I never had any advice from him in this particular neither indeed did I to my knowledge ever see him before such time as I had my Pattent granted me.

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Lord B. What has been said of Capt: Connaway I knowe not but what ever he hath said or don I doe assure you never tooke any impression upon me but that some misreports have been made the Mapps and draughts which have bin sett forth sufficiently evince.

W. Pen. Upon the view of the Mapp of Maryland some persons taking the meetes as the same lay displayed found that the Author had either much abused the Lord Baltimore in the wrong calculation or else allowed him more land then indeed was intended for him & accordingly some draughts have bin made.

Lord B. My Pattent gives me as you and all here present know the fortieth degree of Northern latitude and the Sunn with such an Instrument as I have mentioned will soone satisfie us where that is for thither my Pattent gives me.

W. Pen. Then thus in short I have here produced the King's letter in answer to which the Lord Baltimore sayeth that he will rather abide by his Pattent which is under the great seale then to the bare contents of a letter.

Lord B. Mr Pen were it your case would you not stick to a Pattent soe plaine as mine is?

W. Pen. I doe not blame the Lord Baltimore it may be I should doe the same as he does I have consented to wave that and for the more equal acomodation between us I have proposed that for the ascertaining the bounds between us let us begin and take our comencement from the Capes so antiently and generally knowne and reputed to lye within thirty seaven degrees and five minutes and thence proceed till we come to forty which binds the Lord Baltimore to the Northward and from whence I must begin to that the Lord Baltimore doth reply that true he is bounded by the fortieth degree to the Northward and the most exact way to find that out is by an observation taken with a land Instrument in answer to which I have returned that I conceive that to be an uncertaine way for the reasons I have so often urged and say lett some persons be jointly comissionated between us to take observation at the Capes and report how much it varies from the antient generally reputed and received opinion and then proceed to find the latitude of Watkins Point and from thence by an exact line measure out to the degree of forty to that end if the Lord Baltimore please to select foure or five persons to be jointly

P. R. O. empowered between us soe unanimously to proceed without
Colonial jarring which will consequently arise from different parties.
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Lord B. That may be don for your private satisfaction by any persons that may make theire report to you.

W. Pen. I doe propose and request that we may accomodate the business between ourselves.

Lord B. I onely first premise that an observation be duely taken to answer the King's comānds.

W. Pen. I question not but if the Lord Baltemore would vouchsafe to discourse the business in private with me we should fairely accomodate all matters.

The afore going is to our certaine knowledge the summe and substance of what materially was argued and spoken by the right hon^{ble} Charles Lord Baltemore and William Pen Esq^{re} the day and place aforesaid which hath bin read and approved of by

A true Copy
examined by me
C. Baltemore.

Philip Calvert
Thomas Tailler
Henry Coursey
Henry Darnall
W^m Digges
Will. Steevens.

Lett my cosen M^r John Darnall the lawyer and my kinsman M^r Mathew Merriton have the perusuall of this as also of the narrative sent herewith to you by Your friend
C. Baltemore.

(Endorsed)
Maryland

13th December 1682.

A Conference between Lord Baltemore and M^r Pen touching their Boundaries.

" Lord Baltemore's Certificate of the manner of selling out land "

Maryland 1683.

Whereas formerly by my Fathers Conditions of Plantations there was fifty acres of Land allowed for every Serv^t or other pson transported into his Provinces here to reside and dwell, of w^{ch} the transporter was to make Oath as also that for such psons so by him transported hither he never had the benefit of the Conditions of Plantations w^{ch} were usually termed Rights to Land in Maryland; and whereas those Rights of late years have been most of them bought up of the Merchants and Commanders, transporters of Servants into this Province by the Collectors the book the Entries of Shipping and the Deputy Surveyors of this Province who often disposed of the same to

the poor inhabitants at excessive Rates, and by the dishonesty of some dealers many denies such Rights have been twice sworne to and sold to the great abuse of the said condicons of Plantation for the ease therefore of the said Inhabitants, as also to prevent the like abuses for the future I thought good to alter my Fathers Conditions of Plantation and instead of a Right due upon the transportation of a servant, for w^{ch} the poor Planter often payd to the Deputy Surveyors and the several Collectors four hundred weight of tobacco and some times more I declared I would accept of one hundred weight of tobacco for every fifty acres hereafter should be taken up wth w^{ch} the Inhabitants not only the small ones but also the great ones are much better satisfyed; and whereas on the sea board side on the back of Somerset and Dorchester Counties and also at the whore Kills there was many years ago but half Rent sett upon such Lands as should be taken up there so there is but fifty weight of tobacco for every fifty acres that shall be taken up in those parts. This it seems is taken in ill part by M^r Penn, and for this he accuseth mee of breach of faith, a violater of the amicable treaty, and what else he pleaseth to term mee; when the foregoing Proclamations was only intended to publish the alteration I had made in the Conditions of Plantation and the same Proclamations were drawn from Presidents that heretofore went forth in my fathers Life time who twice had altered his Conditions &c: Now why this should bee such a crime as immediately for my Neighbor Penn to tax mee with a breach of faith and to call mee a disturber of the Peace &c: Neither I nor my Councill can understand the same that now has been done was likewise done in govern^r Richard Nicholls Coll Francis Lawelas and S^r Edmund Andros their times whilst those same parts on Delaware were in the Possession of His Royall Highness the Duke of York besides the whore Hill was taken by mee from the Dutch some years ago and never since in their possession w^{ch} will sufficiently be made out: so that I have been ill used by my Neighbor (I conceive) having not by any action of mine deserved to be termed a faithless pson and one not fit to bee treated with.

Thus much certified by
C Baltemore.

Lord Baltemore to Lord Halifax 8 Feb^r 1682/3

Most Noble Lord.

Tho I have not the honour to be particularly knowne to your Lordsp give me leave, I beseech you, to offer the enclosed papers for your Lordps peruseale, when your weighty affaires will best allow your Lordps some minutes for the same. Tis the substance of a late Conference between M^r Will Penn and

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my selfe: And with it I also presume to give yr Lordps a true relation and Narrative of all that has past between Cap^t W^m Markham deputy Governor and W^m Penn as also, between the sd Penn and me; By all w^{ch} your Lord^p will fully understand how affaires stand, at present betwixt M^r Pen, and me in relation to the Bounds of our Provinces My Lord, I will no further complaine now, then to assure your Lord^p I have received some preiudice by misinformations given unto M^r Penn: who otherwise (I confidently beleeeve) would not have proceeded in some cases, as he has don As I know your Lord^p to be a great lover of Right and Justice, so I presume to address this: begging your favour in a case w^{ch} I am sure y^r Lordps will find both cleer and just. And I doubt not that since this Province of Maryland does pay yearly to his Matie the sune (at least) of fifty thousand pounds sterling, by the duty of Tobaccoes of the growth of this Province and this brought to pass at the vast trouble and great expence of my Father his Relations and friends being the first adventurers to this place, with out the least expence to the Crown of England when other Colonies have cost his Ma^{tie} vast sumes of money I doubt not therefore but his sacred Ma^{tie} will protect me in those just possessions and Rights granted by my Charter, and that I may not receive any further disturbance by misinformations. Your Lord^p great favour and goodness to me herein will conduce highly to my future quiet and happiness for w^{ch} I shall remain und^r infinitt obligacons, and for ever owne my selfe

Most Noble Lord
Your Lordpps Most obedient faithfull
and most obliged and
humble servant
C Baltemore

8th of Feb^r 1682/3

(Addressed)
For the Right Hon^{ble} the Lord
Marquis of Hallifax
These humbly p^sent
att White Hall

Indorsed Read At the Com^{tee} 17 Ap. 83.

May it please your Most Exc^t Mat^y

Upon a surrender made to your Mat^y by His Roy^{ll} Highness James Duke of York of certain Letters Patents bearing date the two and twentieth day of March last past granting unto him all that Town of New-Castle otherwise called Delaware and Fort thereunto belonging lying between Maryland and New

Jersey in America and several other Lands, tenements and Hereditaments therein menioned; Your Mat^y is hereby pleased to grant unto the said James Duke of York All that town of New Castle otherwise called Delaware and Fort thereunto belonging lying between Maryland and New Jersey in America; And all that River called Delaware and Soyl thereof and all Islands in the said River and all that tract of Land upon the West side of the River and Bay of Delaware which lyeth from Skookill Creek upon the said River unto Bombays Hook and backwards into the Woods so far as the Minquai Country; and from Bombeys Hook on the said River and Bay unto Cape Honlopon now called Cape James being the South point of Asia Wariner Inlet and backwards into the Woods three Indians days Journey together with all the Lands Islands, Soyle Rivers, Harbours, Mines, Minerals, Quarries, Woods, Marshes, Waters, Lakes Fishings Hawkings, Hunting and Fowling and all other Royalties, Profit Commodities and Hereditaments to the said town, Fort tract of Land and Prouinses belonging to hold to the said Duke of York and his Heirs for ever. Paying therefor yearly one Beaver skin And such other Clauses Powers and Authorities are inserted as were directed by Warrant under you Maj^{ty}s Royall Sign Manuall.

13 Apr. 1683.

R. Sawyer.

Tuesday 17th April 1683.

My Lord Privy Seal produces a letter to himself from the Lord Baltimore dated 8 Feb. 1682 (-3) with two other papers inclosed the one being an account of the Conference held in Maryland between the Lord Baltimore and William Penn and the other containing a Narrative of the whole proceedings betwixt them whereby it appears that great contests have arisen between them concerning the bounds of their Provinces it being also alleged therein that M^r Penn has written a letter dated 16 Sept 1681 which was directed to James Frisby and others at their plantations in Pennsylvania which the Lord Baltimore does assert to be within the Bounds of his Propriety wherein M^r Penn does nevertheless advise them that as he was confident and ready to believe they were within his bounds they should not pay any more taxes or sssessments by any order or law of Maryland Whereupon the inhabitants of Baltimore and Cecil County having refused to pay their levys the Lord Baltimore and his Council had immediately issued out orders to the Military officers of those Countys to assist the Sheriffs in the due execution of their office which had been with great difficulty effected.

Whereupon it is ordered that my Lord Keeper have a view of the several Boundaries of the Patents granted to the Lord

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P. R. O. Colonial Entry Book. Baltimore and M^r Penn as also to His Royal Highness of New Castle which his Lord^p is desired to consider of and to report his opinion to the next Committee when the Agents of the Lord Baltimore and M^r Penn are to attend and in the mean time that application be made to His Royal Highness that he would please not to pass any conveyance to M^r Penn of those parts until the bounds between Lord Baltimore and him be settled.

It is also agreed by the Committee that letters be written to the Lord Baltimore and M^r Penn advising them to come to a fair and speedy composure of those matters in dispute between them.

p. 144 Friday 27th April 1683.

Their Lordships being acquainted that an Agent from the Lord Baltimore attended without concerning the Boundaries in difference between M^r Penn & his Lordship It is ordered that the said Agent be told that if he has any matter of complaint he may represent the same by petition to His Majesty in Council

P. R. O. Colonial Papers. Maryland ss.

Wee whose names are underwritten being desired by the Right Honourable the Lord Baltimore to take by Observation the true lattitude of Palmers Island Situate in the mouth of Susquehanoë River at the head of the Bay of Chesapeake in the Province aforesaid doe hereby declare that on the twenty eight day of february last past wee accordingly did Take an observation on the Said Isle with a Sextant of about tenn foote Semi-diamiter and (to the best of our Art and skill) doe find it to lye in the Lattitude of Thirty nine degrees and forty foure minuts of Northern Lattitude as Witness our hands this Second day of March Annoq Domini 1682/3.

True Coppy
C Baltimore.
R 11 May 83.

James Conaway
Alex^a Dennett
Rob^t Jones.

[15 May 1683]
By the Lord Proprietary
A
Proclamation

Foreasmuch as the taking up of land by right within this our Province of Maryland hath proved not only growing & burthen-some to the Inhabitants of this our said Province as well for want of such rights upon their occasions as for paying for the same extravagant and extortious Rates when to be procured but also very injurious & prejudiciall to our Self by undue and

unjust Probate made of such right as we have seen and been informed wee doe therefore as well for the case Benefit and Certainty of the Inhabitants of this our Province and other persons inhabiting, trading or residing within the same, as also for the perservation of our own just Right & property hereby fully resolve determine and ordeine that no Rights shall hereafter be proved, admitted or allowed of for the taking up of Land within our said Province as formerly by the Conditions of Plantation of our late dear Father Cacilius &c: of noble memory hath been accustomed But for the Encouragement of any person or persons adventurer or Adventurers or others inhabiting residing or trading within this Province wee do resolve determine and ordein and hereby declare publish and make known that any person or persons adventuring trading inhabiting or residing within this our Province and willing to take up any Land here shall for every fifty acres of Land he or they shall design to take up as aforesaid pay or cause to be payd unto us and our Heirs the just quantity of one hundred pounds of Tobacco in Cask together with two shillings sterling yearly Rent unless on the Sea board side or the whore kills for every fifty Acres whereof any person or persons taking up such Land shall only pay for the same as aforesaid the sum of fifty pounds of tobacco in Cask together wth one shilling sterlg. yearly Rent and so proportionally for any greater or lesser quantity he or they first applying themselves to our secrys of this our Province or other officer or Officers thereunto appointed and giving sufficient caution for the same as to him or them shall seem meet hereby willing and requiring our said secrys or other officer or officers as aforesaid upon such caution or security given to issue out warrants under the lesser seal of this our Province for any quantity of Land to any person or persons, suitor or suitors for the same in manner aforesaid and to the end that this our will and Pleasure may be made known we doe hereby strictly charge and command all and singular the sheriffs of this our Province forthwith upon Receipt hereof to make Publique Proclamation hereof in the most Publique and convenient places within their severall and respective Countys Given at our City of St Maries under the Great seal of this our said Province the fifteenth day of May in the eight year of our Dominion &c Annoq Domini One hundred, six hundred eighty and three.

P. R. O.
Colonial
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A true Copy

Nicholas Sewall }
John Darnall } Secrys.

(Endorsed.)

Maryland. 15 May 1683.
Proclamation for letting
out the lands.

P. R. O.
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Entry Book,
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Thursday 30th May 1683.

A reference dated 31st May upon the petition of Richard Burk servant to my Lord Baltimore being read praying that a Grant which is passing to His Royal Highness of the parts adjacent to Delaware Bay may not pass the Great Seal until His Maj. shall be satisfied concerning the extent of lands granted to the Lord Baltimore. Counsel learned in behalf of his Royal Highness together with an Agent from M^r Penn who solicits the passing of this Grant as also the petit^r M^r Burk and his Counsel learned are called in, Whereupon the Counsel for my Lord Baltimore affirming that the Tract of Land in question lyes within the limits of the charter granted to the Lord Baltimore and that his Lordship has always continued his claim thereunto, M^r Penn's Agent and the Counsel in behalf of his Royal Highness endeavoured to make out that this Territory was never possessed by my Lord Baltimore but originally inhabited by Dutch and Swedes and that the Grant to my Lord Baltimore was only of lands not inhabited by Christians so that a surrender having been made of the Country to His Maj. in 1664 the Lord Baltimore can have no rightful claim thereunto and that it having been ever since in the possession of his Royal Highness the Lord Baltimore can receive no injury by the Grant that is desired. Upon the whole matter M^r Penn's Agent undertaking to prove within a short time that this Country was possessed by the Dutch and Swedes in the year 1609 or at least before the date of the Lord Baltimore's patent their Lordships agree to meet again as soon as the proofs shall be ready for making out the same

Vol. 52,
p. 105 At the Court at Hampton Court the 31 of May 1683. By the King's most Excellent Majesty and the Lords of His Majesty's Most honorable Privy Councill

Upon Reading this day at the Board the humble Petition of Richard Burke gent, servant to the Right Honorable Charles Lord Baltimore, praying in behalf of his Lordship that a grant (which is passing) from His Majesty to His Royall Highness the Duke of York of the Town of Newcastle and the adjacent country on the confines of Maryland may not pass the Great Seal untill his Majesty shall be satisfied of the extent of letters Patents formerly granted to Cecile Lord Baltimore, wherein the said Town and adjacent Country is alleaged to be comprized, His Majesty in Councill was pleased to order that the examination of that whole matter be, and it is hereby referred to the Right Hon^{ble} the Lords Committees of this Board for Trade and Forreign Plantations and upon their Lordships Report of the State thereof with their Opinion thereupon, His Majesty will declare his further Pleasure.

Phi: Lloyd.

Lord Baltimore to W. Blathwaite

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Patuxent 11th June 1683.

My Honored friend

I most thankfully acknowledge the favour of your last Letter of the 9th of February, which came to my hands by Capt Joseph Eaton Commander of the Shipp merchants delight. It was with great Satisfaction that I read your obligeing Expressions therein and noe little Comfort to me also your assurance that the Lords of the Committee were pleased to Express themselves Satisfied with my proceedings and manadgement of affaires in my Province; I assure you and (if you please) you may in my behalfe, assure theire Lopps that it shall be my Endeavour as it is my great Ambition to deserve the Continuance of their good opinion of me and their Kind Approbation of my actions here without which, and the grace and favor of my Sovereign I take noo Content and Satisfaction in anything of an Estate in this place or any other part of the world. Having given this assurance as the truth of my hart, I will now only add, that having lately had the Long desired second Conference with my Neighbor M^r William Penn I send you the same in writing being the enclosed paper which I have signed and will Surtifie to be the Sume and Substance of what was argued, Spoken and debated at New Castle on Delaware River tuesday the 29th of May last by the said Pen and myselfe. The favor that I will now begg of you is this that if M^r Penn should move for any further order and Comands in reference to the Bounds of the two Provinces you will please in my behalfe to request I may have time to be heard in person and (God willing) I will Aprill next most assuredly embarque for England in order to make my Just defence; and also that I may then be heard to make out my Just claime to those parts on Delaware Bay and River within the degree of forty Northerly Latitude which the said Penn pretends now to hold by writeings from his Royall highness the Duke of York: Good S^r move this in favor of

Your most affectionate friend
and humble servant
C Baltimore

Coppy.

The sume and substance of what was argued and spoken by Charles Lord Baltimore and William Penn Esq^r at their Private Conference at New Castle on Delaware River Tuesday the 29th of May 1683.

M^r Penn having by his letter of the 23rd of Aprill last desired

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that I would lett him know where in some neere part of my Province he might meete me and that with what speed my affaires would permitt I wrote him word that I would begin my Voiage up the Bay about the Middle of May which accordingly I did and being arrived at Saxafras River Wednesday the 23th of the said month I dispatcht from thence M^r John Darnall one of my Chief Secretaries with a letter to M^r Penn signifeing my Arrival in that part of my Province; and Tuesday following being the 29th of the Same month I mett M^r Penn about eight miles short of new Castle to which place that day I came in Company with the said Penn. In the evening the same day I desired to know of M^r Penn what proposall he had to make signifeing that I was come thither to see what friendly issue might be putt to the buisnes of our bounds; to which he Answered that tho he thought his Majesties Letter of the 19th of August (82) was not to be insisted on by him as to the two degrees mentioned therein he conceded there was yet an admeasurement to be insisted on Still That seeming very strange to me both in regard that M^r Penn had (at a Conference afore) consented to wave that letter as also in regard that it was not agreeable to my Pattents, he tooke some paines (and not without heat) to let me understand what he meant by an other admeasurement, which he said must Still be insisted on being thus, that as my Northern bounds was the fortieth degree of Northern Latitude he did not doubt but to have that ascertained by an admeasurement in this manner that there should be an observation first taken at Watkins point and, according to the Latitude that that place by an observation should be found to lye in that from thence there should be an Admeasurement to the degree of forty saying that out of every degree he did not doubt but to gaine six or seaven miles and by that means to gett water at the head of Chesapeake Bay and that this was the Mistery which he was plaine to tell the Lord Baltmore and did assure me that he would procure it from his Maj^{tie} to which I answered that if he Could impose his dictates upon the King and Council it would be in vaine for me to hope to have Justice don me but I was not (as I told him) of opinion that he could impose in that kind; and since he discourst of having an observation taken at Watkins point (my South Bounds) in order to such an admeasurement as he had last proposed to himselfe, I did not see any reason why my North bounds might not also be ascertained by an observation and then demanded of him how he Resolved to have the Northern bounds of his Province (being the 43rd degree of Northern Latitude) Settled and fixt and answered me by an observacō to which I again Replied that he did not then approve of an admeasurement for his three degrees thō

he thought it Necessary in my Case and yet I said to him that there was more reason for admeasurement as to his bounds (there being Severall degrees mentioned in his grant) then in mine where I had nothing given me by any Number of degrees but only Watkins point for my south bounds. and the degree of forty for my north-bounds besides that an admeasurement in my case might be said not to be rationally practicable as will easily be made appeare this having been argued with some Earnestness M^r Penn (at last told me that if I would hearken to accept of a proposal which he had to make me he did not doubt but all matters could Soone receive a friendly issue I told him I was desirous of nothing more, then that our differences might be amicably Ended betwixt us; He then proposed this that if I would lett him have Susquehanna River for an Inlett and Land Enough on Each Side the said River Sufficient of his Occasions and that I would let him know certainly under my hand what price or value I would Sett upon the same he would then willingly joine with me to bring an observation to find the degree of forty Northerly Latitude and with such instruments as we had then propper for that purpose. to this I answered that I wondered should I be willing to dispose of that w^{ch} he desired how he would expect I was able to give him any thing certaine under my hand afore I knew Certainly how far North up Susquehanna River the fortieth degree Northern Lattitude (my North bounds) could reach He then desired to know what Latitude Cap^t James Conaway and some other persons found Palmers Island which is in Susquehanna River to lye in by an observation I had caused to be taken the 28th of february last For his Satisfaction therein I product to him the observation under their hands and the same read to him by which he saw that the said Island was 16 miles to the Southward of the degree forty and then he told me that by that observation he thought New Castle was about twelve miles from the said Degree and then proposes to me that if I would give him from Under my hand what he must give for as many miles as I should runn up the said River saying if tenn miles how much should I demand for tenn miles and if sixteen miles how much for 16 miles and that after I had given him this Certaine under my hand he would then be willing to go with me to the heads of the Rivers and joine with me in the taking observacons as I had all along insisted on; Adding that we should take but a few persons with us and not have the Noise and trouble of any troopes of horse; As this proposall was New and a very Strange way of proceeding as I thought I desired some time to consider of what he had offered but I found he was not willing to give me any longer time then the next day being the 30th of May so that I tooke that little time

P. R. O. Colonial Papers. to consider of his proposalls and made him some other offers which he thought not good to yield to after w^{ch} we parted, and this is the sūme and Substance my (I may almost say) the very words that were Spoken on both sides But that it is the substance of what was (at that time I argued and Spoken by M^r Penn and me I will make oath when required and I doubt not but M^r Penn will owne as much when we meet at the Council board

This 31st May 1683.

C. Baltimore.

(Endorsed)

From My L^d Baltimore.

[Addressed] For My Esteemed friend M^r W^m Blathwait one of the Clerke of his Maties most Hon^{ble} Privy Council.

These

by Chester

White Hall

[Indorsed] Rec^d 23rd Nov 83.

[Baltimore to Sir Lionel Jenkins]

12 June 1683-

S^r

Having given your formerly the trouble of many l^res I blush to be still guilty of the same Rudeness and humbly beg you'll please to pardon me for these few lines, w^{ch} address them selves to you for a favour w^{ch} I am assured you will not be unwilling to grant me. That w^{ch} I presume to beg at your hands is that you'll favour me so far that should M^r W^m Penn, (who is suddenly Bound for England as he hath lately assured me) move his Ma^{tie} for any further Order and Comands in relacōn to the Bounds of Maryland & Pensilvania that nothing be granted until I am heard at the Council Board, and that nothing be obtained by M^r Penn to the preiudice of my Interest on delaware River where M^r Penn pretends to hold a great part of my Province by Title (as he saith) from his Highness the Duke of York: In May or June next I will make my personal appearance, and make my defence w^{ch} I begg I may have granted me for the unsettled condicon of my Affaires here will not allow me to take a voyage this shipping in obtaining this favor for me you'l infinitely oblige

Most Hon^d S^r

Y^r faithfull humble

& most obedient

Serv^t

C Baltimore.

(Endorsed)

12 June 83. Lord Baltimore.

ab^t M^r Pen.

To the Right Honnorable S^r Lyonell
Jenkins one of his Maiesties
Principall Secretaries of State.

Humbly P^rsent.

Att Whitehall.

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[Baltimore to Halifax.]

Most Noble Lord.

I formerly made bold to send y^r Lord^p a narrative of all that had past betwixt M^r Penn's deputy the Sd Penn, and me, as also the sume & substance of a Conference I had wth him decemb^r last; since then I have had an other, but in private it being not his desire to discourse our affaires in Publick. the substance of this last I send by this conveyance to M^r Blaithwate of whome y^r Lord^p please to Comand it I will not p^rsume to give further trouble to y^r Lopp then onely begging this favour that I may have time allowed me for my personall Appearance at the Council Board afore M^r Penn obtaine any further order or Comands from his Ma^{tie} in reference to our Bounds and that I may have the liberty of being heard in Person as to my Iust Claime to that part of delaware wthin the fortith degree Northern Latitude w^{ch} M^r Penn holds from me. In Aprill next I will embarque for Engld and ab^t May or Iune next I shall kiss y^r Lord^{ps} hands, and then make my further Apology for this boldnes of

Most Noble Lord

Y^r Lopps most obedient humble

and most faithfull servant

12th of Iune 1683

C Baltimore.

(Endorsed)

12 Iune 1683.

From my Ld Baltimore

DD by my L^d P Seale at M^r S Ienkin's Office.

A second Conference transmitted

Desires time for his personall appearance

For the Most Noble Lord the

Marquis of Hallifax Lord Privy Seale

Most humbly present

London.

Tuesday 12th Iune 1683.

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The Agents on behalf of the Lord Baltimore and M^r Penn are called in and Counsel learned being heard on both sides

P. R. O. the question is stated between them viz:—Whether in the year
Colonial 1632 the Dutch were possessed of the lands claimed by M^r
Papers. Penn which M^r Penn's Agent undertakes to prove in a short
time and their Lord^{ps} will then take this matter into further
consideration

William Penn Proprietary & Govern^r
of the Province of Pennsilvania & the
Territories thereunto belonging.

[L. S.]

I do hereby declare th^t I have bought of Machaloha all his
Land lying betweene Delaware River the Bay of Cheasepeek
bay and Susquahannah River. And do warn all Persons that
they presume not to settle thereon without my leave, & th^t those
th^t are already or shall hereafter settle upon any part of the
same do behave themselves justly & lovingly towards him &
his fellow Indians. Given at New Castle the 18th October 1683.
Wm Penn.

(Endorsed)

M^r Penn's paper his purchase
of lands from the savages.
Oct 1683.

Patux^t Decemb 7th 1683.

Dear S^r

The begining of the last month I writt to you and therein gave
you my acknowledgmt for your obligeing Lre of the 8th of 7^{ber}
wherein you very Kindly assured me, that nothing would be Con-
cluded by the Councill without hearing me or my agents and that
if I came over in the Spring you believed I should find that busi-
nesse of Delaware undetermined I hope (and by your favour
I presume to assure my selfe) that I may be heard in person,
afore the Lords of the Councill will proceed in a matter of that
Concerne to my Interest here. And w^{ch} gives me Still the greater
Confidence I shall have Liberty to appeare in person to make
out my Right to Delaware is that my father in his life time
and since his decease I have Petitioned his Royal Highness for
a hearing of that Matter, but his Highness his greater Affaires
did not afford time for it whilst I was in England so that since
I sought for a hearing of that buisnesse soe far, as, with good
manners, became me towards his Highness, it would now be
some what hard, that, in my absence I should be concluded
S^r it is a matter of that importance to me that I dare not
Comitt the management of it to the best agents I can procure
to act for me in my absence therefore I earnestly recomend to
your Kindness that you will continue moving for some time to
be given me for my appearance in person at the Councill board

where I hope to be the latter end of May Next; and shall then cleere all things soe as may fully Satisfie the Lords of his maiesties most Honorable Privy Councill of my Right to Delaware; that part I mean w^{ch} Lyeth to the Southward of the degree of forty Northerly Lattitude And if my unkind Neighbor William Penn, or his Agents are able to make out, that there were Dutch seated at Delaware afore my Pattent for Maryland was granted (w^{ch} will be some what hard to prove) I will then make it plainly appeare that such Dutch were usurpers and were utterly disowned by the States of Holland; of this I have undeniable testimonies such as M^r Penn will not with stand and possibly then I shall be able to produce something under Penns hand to the same purpose S^r I am soe well armed and provided with proofes of this kind that I only begg a personall hearing and that you will become a Sollicitor for me therein is the favour and kindness I beg at your hands; which I will gratefully owne as becomes one that already is

P. R. O.
Colonial
Papers.

Good S^r

Coppy

Y^r faithfull and
obliged Ser^{vt}

C Baltemore

(Endorsed)

7 Decemb 1683.

From my L^d Baltemore concerning
M^r Penn

Rec^d 16 Feb

1683/4

[Addressed]

For M^r William Blathwait

att

White Hall

[Baltemore to Sir Lionell Jenkins.]

Honored S^r

I know it is to great a boldness I take in giving you the trouble so often as I doe with my Letters, which I should not presume to doe did not a very great Concerne of mine lye afore the Councill of which you are; It is S^r about a grant which I am assured my ill neighbor, William Penn is endeavouring by his Agents in England to gett past the great Seale of noe lesse then one third of my Province; I meane that part which lyeth to the Eastward of Chesapeake bay and is on Delaware river to the Southward of 40th degree Northerly Latitude, which he pretends was Seated by some Dutch afore my Pattent for Maryland was granted, which Neither he nor his agents are as yet able to prove and when ever they doe it will Signifie little to my preiudice for I will sufficiently make it evident that if any Dutch were there at that time seated, they

P. R. O. were but Usurpers and had usurped what they soe seated:
Colonial being never own'd by the States of Holland; Nay I will oblige
Papers. my Selfe to prove such were disowned by the States, if I may
have Liberty and time allowed me till May next to appeare in
person at the Councill board, there to defend my right, which
I hope you'l favor me so farr as to procure for me, and I shall
account myselfe highly obliged and for ever remaine

S^r

Your humble and
most faithfull serv^t

C Baltemore.

11th December 1683.

(Endorsed)

Ld Baltemore Letter

11 Dec: 83. Maryland.

[Addressed] For the Right Houn^{ble} S^r Lyonnell
Jenkins one of his Majesties
principall Secretaries of State
Present
at
Whitehall

A Certain Tract of Land in America having been surren-
dered long since by the King & ever since the possession of
His Royall Highness. His Royall Highness having demised
it to William Penn Esq^{re} (lyeing contiguous to Pensilvania) at a
Rent, the Lord Baltemore now disturbs W^m Penn & his Agents
there & Opposes the passing of a Patent of it to His Royall
Highness here

And upon a Hearing before the Lords of the Comittee of
Plantations it being alledged in the behalf of His Royall High-
ness that this Tract of land was inhabited by Christians before
the Lord Baltemore's Patent, w^{ch} Extended only to Land un-
inhabited by Christians. It was Ordered that they should be
ready with proofs to that point.

It is now desired in the behalf of His Royall Highness, a day
may be appointed to be heard to it./

12 Feb. 1683/4

(Endorsed)

Mem^{li}

Pensylvania

Rec^d & Read 12 Feb^y 83/4.

The Business put off till Aprill
when my L^d Baltemore will be here.

Tuesday 12th February 1683/4

Upon reading a paper delivered by the Agent of M^r Penn
Proprietor of Pensylvania wherein it is desired that a day may

be appointed to hear the difference between the Lord Baltimore and the said M^r Penn touching a certain tract of land in America now in the possession of His Royal Highness their Lordships take notice of a letter lately received from the Lord Baltimore wherein his Lord^p desires that the hearing of this matter may be deferred until April next when he intends to come into England Whereupon it is agreed that this business be postponed untill the month of April next unless the Agent of the Lord Baltimore be ready to bring the matter in difference to a hearing before that time

P. R. O.
Colonial
Papers.

Lord Baltimore to Sec. Jenkins
6 April 1684.

Most Hon^d S^r

I was yesterday I rec^d the favour of your l^re for which I humbly give you many thanks and thought it an obligacōn on me to make you my acknowledgements for your kind and favourable expressions therein by the first opportunity from these parts w^{ch} will be to morrow by a shipp bound for the Port of London. I will therefore by this presume to acquaint you that after some buisness is despatcht by the Assembly w^{ch} at this time is setting, I resolve for England and shall Embarque the latter End of this Month intending to call in at York River to pay my respects to my Ld Howard, and to receive his Comānds if he please to Honnor me with any I hope S^r by your favour and kindness that I may obtaine of his Ma^{tie} time to appeare at the Council Board there to answer any charge brought agst me as also to defend my Right w^{ch} M^r Penn labours to deprive me of. I doubt not but it will be thought reasonable by all the Lords of his Ma^{ties} most Hono^{ble} Privy Council that I should be heard in Person in a buisness of that weight to me and my interest here; the assurance I have lately received of your favour herein will ever be acknowledged by Hono^d S^r

Y^r humble Obedient Serv^t

6th April 1684

C Baltimore

(Addressed)

For the Right Hono^{ble} S^r Lyonel
Jenkins one of his Most Sacred
Ma^{ties} Principal Secr^{ys} of State

humbly p^rsent
Whitehall.

By the Lord Pty a Proclamation.

Whereas severall doubts and disputes have been made concerning the uncertayntyes of the Laws of this Province for want of our assent or dissent thereto publicly declared and made

P. R. O.
Maryland
B. T.
Vol. 2,
B. E.
p. 43

P. R. O. knowne and wee being now upon urgent occasions relateing to
Maryland ourselfe and the Publick state and welfare of this our Province
B. T. us thereunto moveing suddainely designed on a voyage for
Vol. 2, England wee have thought fitt and convenient upon peruseall
B. E. and due consideracōn had of the Laws aforesaid to proclayme
publish and make knowne and Wee doe hereby declare
proclayme publish and make known our dissent to all and
every the Act and Acts of Assembly of this our Province made
during our absence out of this Province in the year of our
Lord God 1678 which are hereby unvallidated adnulled made
voyd and to stand for nought to all intents and purposes
except only such of the said Acts as wee have since our arrivall
here by our assent in a Generall Assembly continued confirmed
or revived which are alsoe to stand continued confirmed or
revived to all intents and purposes anything herein before
mentioned to the contrary notwithstanding and wee doe hereby
will and require all and Singular the Sheriffs of this our Province
to make publick proclamacōn hereof in the most publick
and convenient places within their Severall and respective
Countyes Given att Mattapany Sewall under the greate Seale
of this our Province of Maryland the 5th day of May in the 9th
yeere of Our Dominion &c: Anno: Dom: 1684.

Vera Copia ex lib R R R fo: 101

Ex: p John Llewelin

(Endorsed)

Read the 5th of Dec^{br} 1690

- p. 26 Charles absolute Lord and Proprietor of the Provinces of
Maryland and Avalon Lord Baron of Baltemore etc. To All
our Officers Civill and military within this Province and others
to whom these presents shall come or may any waies concerne
greeting Know Yee that for the love and respect wee have and
doe beare unto our trusty and well beloved Councillors Coll:
Henry Darnall and Coll: William Digges two of the deputies of
our deare Sonn Benedict Leonard Calvert Esq^{re} our Lieutenant
Generall of this our Province in consideration of their ffdelity
and good services to us testified and made knowne and the
better to support and enable them to doe unto us and our
heires yet further acceptable service. Wee have given granted
and assigned and by those presents Wee doe grant and assigne
unto them the said Coll: Henry Darnall and Coll: William
Diggs the one third part of all seizures and fforfeitures of
shippes and Vessells with their goods Tackle, ffurniture Ammu-
nition and apparell here, within this Province made for or by
reason of any breach of any Act of Parliament of England and
to us due and payable as Governors of this Province according
to the Tenor of such Act to them the said Coll: Henry Darnall

and Coll: William Digges their heires and assignes to their
proper use and behoofe for Ever this present writeing or deed
of gift to continue dureing our pleasure and noe Longer.
Given at Mattapony S^ewall under the great seale of this our
Province of Maryland the 7th Day of May in the 9th year of our
Dominion etc Anno: Dom: 1684.

P. R. O.
Maryland
B. T.
Vol. 2,
B. E.

Vera copia

John Llewellyn

(Endorsed)

Comission for fforfeitures
to H. D. and W. D.

Read 22nd Dec. 90.

PROCEEDINGS
OF THE
COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

BOARD OF DEPUTY GOVERNORS.

1684-1688.

The Relation of M^r Garrott Vansweeringen of the
City of S^t Maries concerning his knowledge of the
Seating of Delaware Bay and River to the Southward
of the 40th Degree Northern Latitude by the Dutch
and Sweedes (vizt)

P. R. O.
Colonial
Papers.

In the year 1648 the Dutch haveing had bad successes in the North River from whome they had bin driven by the New England men They resolved to looke towards the South and haveing information of that River otherwayes called Delaware formerly bought by one Manheer Godin from the Indians a Sloop was fitted out with some Cargoo to Trade with the said Indians of that River They Landed first at a place called by the Indians Sisouestinqud where they found out a Creeke Navigable for a sloop, as I was informed by those that had been acquainted with these men that Landed there.

Those men or traders came a Shoare with their goods where they traded with the Indians and frequenting soe much with the Indian women till they gott the Country dutyes otherwise called the Pox and soe they named that place the Whorekill. That is in English the whores Creeke, whereupon they returned home and ventured againe a second time with a Considerable Cargoe but remembring (as I suppose) how they had been served at the Whorekill, they went some ten or twelve miles higher where they Landed againe and traded with the Indians trusting the Indians to come into their Stores a Shoare, and likewise aboard of their sloop drinking and debauching with the Indians till they were all at last barborously murdered and so that place was Christined with their blood and to this day called the Murderers Kill that is Murders Creeke

About the year 1650: as neere as I can guesse they made a third voyage into the River of Delaware and there cast anchor at a point neere the mouth of delaware River called Bointges Creeke but misliking that place they went higher up and cast Anchor at the sand point now called Newcastle there they perceived some foure or five English families were seated about Nine miles Lower on the East side of the River called Elsingburgh which Englishmen were supposed to come from Maryland or Virginia.

P. R. O.
Colonial
Papers.

There is noe doubt but the dutch much misliking this they Resolved to goe up the River as high as they could and there landed setting up a post with the mark of the west Indian Company in this manner GWC by which they claime their title to that River, whereupon by Comānd from the Generall of the Manadoes They built a fort on the sand point where they first Landed. after their mishap. in the bay, this fort being soe built for their Security against the Indians and Christians one Andrew Hudde being the Chiefeman sometimes Secretary sometimes Commandant, and at other times nothing at all being according to behaviour turned out and put in againe according to pleasure which person I knew very well and have heard him & others discourse of what had happened and past in his time.

In this manner they lived along time without any Govern^t till neere the yeare 1652 when the Sweedes did fitt out a fly boate with Considerable cargoe with another small vessell filled with freemen and Soldiers with a Governo^r called Manheer prince and Younker passage besides a factor Henric Huogan and Jacob Swanson who were to trade with the Indians.

Upon their arriveall in Delaware they askt leave of the Dutch to refresh themselves with water, to which the Dutch Yeilded not imagining they had any design upon that place . . . but the Sweedes having got a shoare made the Dutch quitt their possessions and were turned to their ships as before. And then the Sweedes with as little right as the Dutch had done before possesst themselves of that River they having thus lost the South River as they had a fore lost the North River the West India Company being very poore, and noe ways able to encounter the Sweedes they resolved upon a protest which they made ag^t the Sweede for dispossessing them of their possessions which the Sweede little re-guarded.

After this the Company stated their Case of the City of Amsterdam the City being full of money doth resolve to Assist the said Company in Order to restore them to their former possessions.

In the year 1654 the City of Amsterdam did cause a Ship to be fitted out with Thirty six great Guns being called the Waegh and manned accordingly whereof was Comander Cap^t Fouing which said Cap^t and other Officers I know very well & had relation of some of them what was past at that time The Sweedes in the meane time being Interlopers keepe a tradé with the Indians. The Governo^r going to Sweedland left his Son in Law papagy the Government and the Fort at the Sand point, which they tooke from the Dutch being very Inconsiderable was enlarged by them & called Casimoirs and another fort builded five mile higher was called Christina.

The head of Chesapeake Bay in Maryland was not att that time stated and soe the Marylanders did not so much take notice either of the Sweedes or Dutch they looking upon them both to be only traders and soe here to-day and gone to-morrow There being noe Navigation or Road betwixt the head of the Bay and Delaware By which meanes the Marylanders could be informed of the proceedings of the Dutch and Sweedes, afterwards the Company repossess themselves with the Assistance of that Frigate called the Wacgh which the Citty of Amsterdam had sent to that purpose.

P. R. O.
Colonial
Papers.

In the meane time arrived a Ship from Sweedeland and hearing the Dutch had got their former possessions tooke a great many Indians on board their Ship upon the deck in sight of the Dutch and so without any hindrance past by the Fort Casimer of which the Dutch had possession and from whome they might have sunck the Sweedes ship. but that they were afraid of killing the Indians then on board in that manner for both Nations as well Sweedes as Dutch did strive on both sides to please and not to disoblige the Indians In Consideration of the trade upon which they wholly depended.

The Sweedes ship sailed up as high as Tenuum hideing themselves in a Creeke which therefore is called to this day the Schuyl Kill in English hideing Creeke. The Sweedes yielded themselves up most of their Officers went home except their Capt & Leuitent Henryc Hengen factor and Heer Lawrence their priest All which persons I know very well and have had several times a full relation of what was done in those days. The Soldiers remaining in the Country as Inhabitants amongst the Dutch who together made a considerable number and so became as it were a Colony or Common Wealth.

The Company being so indebted to the Citty of Amsterdam as to the setting out of a man of warr in reduceing the South River into their possession again they were Resolved to make sale of their Title unto the said Citty which likewise was required from the other side soe both parties were soon agreed The Company being rid of their uncertaine title did not only pay their debt but is supposed had money to boote In fine the Citty of Amsterdam were made Lords and Patrons of that Colony in Delaware River whereof I myself have had a prsall of some Papers concerning these matters.

A ship called the prince Maurice was provided to goe to the said Colony a Governo^r and Counsell appointed and a Company of Soldiers Consisting of about sixty men put aboard and I myselfe was made supuatargoe over the said Ship and goods, there being to the Number of one hundred and eighty Souls aboard the said Ship which sailed out of the Texell the 25th day of December 1656. The said passengers coming into

P. R. O.
Colonial
Papers.

Delaware in a Ship called the Beaver hired at New York, after the Ship prince Maurice was lost, this was the 25th day of Aprill 1657 when we tooke possession of the Fort now called Newcastle and the Soldiers of the West India Company quitted the same. After this Capt Crigor being Comanded to go for Maryland then called by us Virginia Upon the Isle of Kent the 11th day of Septemb^r 1657 he returned againe and reported that the English Govern^r was prepareing to come over to Delaware whereupon good watch was kept and the Fort putt into repaire and likewise the Freemen of the town kept to their duty The English desisting from their designe wee had now repulse from that side.

The Governo^r and and Ministers of State in Maryland coming to understand that the Dutch and Swedes encreased in Delaware That they began to make settlemt there And that in time it would be a hard matter to remove them or make them sensible that they were within the precincts of Maryland which had not bin much regarded before by the Officers of Maryland For in my opinion they considered the Dutch and Swedes onely as traders not having any settled Govermt or Governo^r before.

Now in the yeare 1659 Deputyes were sent from Maryland to the Town of New Amstell I myself then being one of the Counsell and Comissary Generall for the City of Amsterdam in that place The Deputyes were Coll: Nathaniell Uty Maj^r Samuell Goldsmith and M^r George Uty with severall persons of note in Maryland Jacob Young being then Interpreter Coll Uty then product his Letters of Credence signed (Josias Fendall) and the protest was read signed (Philip Calvert) wherein was sett forth (soe neere as I can remember) The injury done to the Lord Baltemore by their unlawful and forcible possiō kept by them of those partes in his Lōps Province, And that his Lōp ag^t his will should be forct to use the Extremitie of Arms if that part of his Country was not delivered up, some copies of Records tending to his Lōps purpose were produced what they were I must now remember whereupon the said deputyes were dismiss And upon the same day a Rumor went all the towne over that Maj^r Goldsmith at a house of Margaret Davies a Scotch woman did publickly proclaim to our Inhabitants att least to those that were there present that all Land thence forth was to be taken up under a Patent from Lord Baltemore and the land taken up already was to be held under him by the Same Authority which was very ill taken up by us and we resolved to stop those hott proceedings but upon consideration and other reasons wee past it by for that time.

Againe in the year 1660 did appeare att Amsterdam in Holland Capt James Neale being a person deputed from the

Lord Baltemore protesting in the name of Cæcilius Baron of Baltemore in a manner and forme as afore the deputies had done att delaware The Company was sitting then in the New West India House in Amsterdam where the said James Neale did appeare and protest by Notoriall Act of the wrong done to his Lordship by their Ministers of State in America by usurping and unlawfully possessing a Considerable part of his province of Maryland, Especially that part which was called by the Name of Delaware Bay demanding not onely the Restauration of the said Territoryes soe uniustly detained with satisfaction also for the injury his Lo^{ps} hath sustained thereby The West India Company returnes a proud Answer sayeing they possesse the same by Generall Oteroy granted to them by the states of Holland That they were resolved by the vertue of the same Oteroy to defend their iust and Lawfull Title with such meanes as God and nature had put into their hands and other Circumstances as may appeare by the same Instrument which Copy of protest was sent to us att delaware—whereupon wee did resolve to Quit the Whorekill thinking it better to quitt that place than to run the hazard of weakening New Amstell. The English then came out of Maryland from a part now called Somersett County and drew neere the Whorekill trading with the Indians whereupon it was reported, That the said English men began to build and settle in that part of the Country The Citty of Amsterdam thereupon did send us expresse Orders to protest against the said English men And in case they would not remove them to Compell them by force of Armes All this while we stood upon our defence against Maryland.

P. R. O.
Colonial
Papers.

A Commander and sixteene men were sent to the Whorekill to take possession againe but another Resolution was taken a short while after to call the said soldiers back and soe the Whorekill was left againe The Citty of Amsterdam hereby was very much discouraged and did absolutely incline to leave and Abandon the said Colony as appeared by their writeings and scarcenesse of Goods and provisions they did send in whereupon I my selfe was deputed for Holland for a whole yeare resideing there to remonstrate the Condition of the said Colony and to Encourage the Citty of Amsterdam to goe on with their designe which att last they undertooke by New Resolution chargeing us strictly not to committ in making a division between the English Neighbours and us, To the end they might not receive any repulse from that side as may appeare by their owne letters written to the Governo^r and Councill at Delaware. To which end they ordered us to build a fort upon Ritten Island neere where they did think the Division might be yet notwithstanding that Division not to be absolutely conclusive but provisionally For wee did not intend

P. R. O.
Colonial
Papers.

to contest with Maryland about my Lord Baltemore his patent Reaching to the Fortieth Degree of Latitude but a Random soe neere as wee could agree to draw a line between the two Governments wee being informed that the Schuilkill did lye under forty degrees farre above Delaware Towne

I myselfe could never hear them speake to what degree they pretended when I was that whole yeare in Holland neither did any such thing appeare in any of their Letters onely Agree with your Neighbours in Maryland for feare of opposiçōn from that side.

In the yeare 1664 arrived Coll^o Nichlus set out by his Ma^{tie} whereupon the Fort and Country was brought under submission by S^r Robert Carr as Deputed with two Shippes to that intent S^r Robert Carr did protest often to me that he did not come as an Enemy but as a friend demanding onely in friendship what was the Kings Right in that Country There was taken from the City of Amsterdam and the Inhabitants thereabout one hundred Sheep and thirty or forty horses fifty or sixty coves and Oxen The Number of betweene Sixty and Seventy Negroes Brewhouse Still house and all materials thereunto belonging the produce of the Land for that Yeare as Corne hay that were likewise seized by S^r Robert Carr for the Use of the King and likewise the Cargoe that was unsold and the Bill for what was sold they also gott in their Custody, being all to the value so neere as I now can remember of Foure Thousand pounds sterling likewise Armes powder and shott in a great quantity Four and twenty greate Gunns were the greatest part transported to New Yorke The Dutch Soldiers were taken prisoners & given to the Merchantman that was there in recompense of his Service and into Virg^a they were transported to be sold as it was credibly reported by S^r Robert Carrs Officers and other persons there liveing in the Towne All sorts of Toolles for handicraft tradesmen and all plow geer and other things to Cultivate the ground which were in the store in great quantity, as likewise a saw Mill to saw planke ready to sett up and nine sea buyes with their Iron chaines Great quantity of Phisicall meanes besides the Estate of Governo^r Debouissa and myselfe except some household stuffe and a Negroe I gott away and some other moveables S^r Robert Carr did permitt me to sell.

Coll Nickles understanding that S^r Robert Carr had gott att Delaware tooke all againe from the said Sir Robert Carr when the said Coll came there againe in person (as I was informed) being upon the way for Maryland; There was likewise a boat dispatched to the Whorekill and there plundered and tooke possession of all effects belonging to the City of Amsterdam as also what belonged to the Quakin Society of

Plockhoy to a very naile according to letter written by one of that Company to the City of Amsterdam In which Letter Complaint was made That the Indians at the Whorekill had declared they never sold the Dutch any land to Inhabitt.

P. R. O.
Colonial
Papers.

I have omitted what past in the yeare 1659 when severall of the Dutch came away from Delaware and sheltered themselves under the Government of Maryland some under pretence that they could not get their liveing there and others that wee had noe right or title to the land wee Inhabited as I suppose they Conjectured by the difference there was between Maryland and Delaware I myselfe went to Maryland to demand those persons back againe from the Lieutenant Generall of that Province and from the Chancello^r Philip Calvert with whom I spoke, but could receive noe satisfaction as to my demand.

Maryland ss

May 12th 1684.

Memded: then came afore us Garratt Vansweeringen of the City of St Maries within this province gent aged Eight and forty years or thereabouts and having taken his Oath upon the holy Evangelist by us in Councill to him administred deposeth and saith that what is herein before contained and declared to to be of his owne knowledge is the truth of his knowledge and well knowne to him to be in manner as is sett downe and what else herein before contained and declared to be the report or rumor of those times was indeed by him received as such from good credible and sufficient persons to be the dealings and transactions of those times in manner and forme as is herein before sett downe, to the truth whereof the said Garratt Vansweeringen hath hereunto sett his hand the day and yeare abovesaid

Att a Councill held at Matapany Sewall
the Twelfth day of May 1684

The aforegoing deposition then taken
before us.

Henry Darnall
W^m Digges
Nicholas Sewall
John Darnall.

Vansweeringen.

(Endorsed)
Vansweeringen's relation
Touching the seating of
Delaware river
Read 8 Oct 85

Inner Temple, June 30th 84.

Sir

There is a cause depending before the Lords Committees for forrein planations between William Penn Lessee to His

P. R. O. Colonial Papers. R^l Highnesse and my Ld Baltimore touching a tract of Land in the West Indies the hearing of wch was put off at the desire of my Ld Baltimore till Aprill last at wch time they undertook to be ready for hearing it is the Duke is principally concerned as being his Inheritance and his tenants are disturbed; wch obliges me on his R^l H^{es} behalf to desire that you would represent to the Lds of the Committee the prejudice he may suffer by any further delay; and I hope you will yourself give the speeding of this cause all the assistance you can.

I am

Your most Humble

Servant

E Herbert

(Endorsed)

From M^r E Herbert concerning W Penn

Read 2 July 84.

[Addressed] For William Blathwayt Esq^{re}

Secretary to the Lords

Committees for forreign Plantations

P. R. O. Colonial Entry Book. p. 320

Wednesday 2nd July 1684

A letter from Sir Edward Herbert Solicitor to His Royal Highness read representing the prejudice his Royal Highness may suffer by a further delay of the business now depending before their Lord^{ps} between Mr. Penn Lessee to his Royal Highness and the Lord Baltimore for the lands in Delaware Whereupon their Lord^{ps} order that the Lord Baltremores Agent have notice to attend on Wenesday the 16th inst.

p. 324 Wednesday 16th July 1684.

The Agents of my Lord Baltimore and M^r Penn attending their Lordships appoint to take the matter in difference between them into further consideration on Wednesday next at four in the afternoon at which time all parties are to attend.

p. 329 Wednesday 23rd July 1684

My Lord Baltimore attending upon the difference between his Lord^p and M^r Penn touching the boundaries of Maryland and Pennsylvania, His Lord^p and M^r Ford Agent for M^r Penn are called in And M^r Ford declaring that he could not be ready for a hearing because Sir Edward Herbert Solicitor to His Royal Highness whose Lessee M^r Penn is was gone upon his circuit and that he could not get other learned Counsel their Lordships appoint this matter to be heard the first Tuesday after Michaelmas at which time all parties to be ready with their Proofs and evidences of their right

At the Committee of Trade & Plantation
in the Council Chamber at Whitehall
Wednesday the 20th of Aug^t 1684

P. R. O.
Colonial
Entry Book,
No. 108.
p. 9

Present

| | |
|------------------|--------------------------------|
| Lord Keeper. | Earl of Craven |
| Lord President. | Earl of Rochestr |
| Lord Privy Seal. | S ^r Leoline Jenkins |

· · · · ·
Their Lordships being moved in behalf of my Lord Baltemore that he may have copies of the Minutes of the Committee relating to the difference between his Lordship and M^r Penn for lands in Delaware It is agreed that my Lord Baltemore have copies thereof.

Tuesday 30th of September 1684

p. 11

My Lord Baltemore and the Comm^{rs} of His Royal Highness under whom M^r Penn claims a Tract of Land about New Castle in the Province of Delaware together with their Counsel learned are called in And it being alleged by Sir Edward Herbert His Royal Highness' Solicitor that the Proofs in this case depend chiefly upon M^r Penn's coming to England where he was soon expected Their Lordships appoint this business to be heard on the 9th of December next at which time M^r Penn is expected here.

· · · · ·
Letters from my Lord of Effingham dated in Virginia 17th June and from M^r Spencer dated 26th May are read

· · · · ·
That my Lord Baltemore had claimed a right to the whole river of Potomack on the Virginia shore and obliged ships that came into that river to enter in Maryland, Whereupon their Lordships think fit that my Lord Baltemore be spoken to concerning his claim to Potomack river and that his Patent be considered to see what right his Lordship may have thereunto.

Munday 6th October 1684

p. 16

The Representation of the Governor and Council of Virginia dated 17th June last is read, setting forth that the ship Constant being at an anchor in the River Potomack and the Master after having made due entry with the Collector of that District went over with his sloop to Maryland where he was required to make entry of his ship with the Collector of the Lord Baltemore and imprisoned till he gave securities for pay-

P. R. O. ing the duties as if his ship had layn within the ports of Mary-
Colonial land notwithstanding she was then in Nominy Bay not half a
Entry Book. mile from the Virginia shore where the River of Potomack is
seven miles broad—That the Lord Baltimore pretends to the
whole river of Potomack even to the High water mark on the
Virginia shore which would be a lessening of His Majesty's
revenue in Virginia by forcing the Merchants to decline the
trade of that river and cause the inhabitants to remove to
Maryland Whereupon their Lordships think fit that a copy of
the Representation be sent to the Lord Baltimore for his
answer thereunto.

p. 18 Munday 3rd November 1684

My Lord Baltimore's Answer to the Representation of the
Governor and Council of Virginia touching his pretension to
the River of Potomack read, Whereupon it is thought fit that
a copy of the Address and of my Lord Baltimore's Answer be
sent to M^r Attorney General who is likewise to consider his
Lordship's Patent and to return his opinion thereupon.

p. 19 A letter from M^r Penn Proprietor of Pennsylvania to the
Committee dated at Philadelphia 14th August 1683 read con-
cerning his difference with the Lord Baltimore Whereupon
their Lord^{ps} order that a copy of the letter be sent to the Lord
Baltimore for his information and answer when the whole
business shall be heard.

p. 54 Tuesday 9th December 1684

The difference depending between Lord Baltimore and M^r
Penn being appointed to be heard this day, was put off to
another time.

P. R. O.
Colonial
Papers.

At the Court at Whitehall
the 10th of December 1684

Present
The Kings most Excellent Maj^{ty}
in Council.

Upon reading the Petition of M^{rs} Audrey Beale setting forth
that her brother William Godwin Did about two years & half
since agree with Ioseph Eaton Mariner to go a voyage to
Mariland with intention afterwards to Serve the said Eaton as
his apprentice for a tyme if he liked that voyage. That in
Mariland the said Eaton made Sale of the said Godwin to one
Thomas Gerard an Inhabitant there That the Pet^r knows not

how to free him from Slavery but by his Maj^{ties} gracious assistance And praying that the said Eaton may be summoned to answer the Premises at this Board

P. R. O.
Colonial
Papers.

As in the Petition if more at large Express His Maj^{ty} in Council is graciously pleased to Referr this Complaint to the R^t Hon^{ble} the Lords of the Committee For Trade & Forrein Plantation who are to have a Copie of the Petition and to Cause the Persons therein named to be sent for And having examined the whole matter to Report to this Board how they finde the same together with their Lo^{ps} opinion thereupon

Francis Guyn.

To the Kings most Excellent Majestie
The humble Petition of Audrey wife of
Capt Richard Beale one of y^r Maj^{ties} Brigandiers.

Sheweth

That William Godwin, of the age of 16 years yo^r Pet^{rs} brother Designing to learne the Art of Navigation Did about 2 years & half ago Contract with Capt Ioseph Eaton Mariner to go with him upon a voyage to Mariland with an intention afterwards to Serve the said Eaton as his apprentice for a time if he liked that voyage, w^{ch} was consented unto & agreed between them; and the voyage being made, the said Captain Eaton after his arrivall in Mariland and the Ship under saile for England did send his boat From a Shore to fetch the said William Godwin to him to one Captain Syles house in Maryland, and immediately made sale of him as a Slave to one Thomas Gerard Inhabitant of that place as can be testified by one Peter Harris a Servant to Captain Sly of London merchant, now in the Custody of the Pryor of Bridewell in Tuttle fields for offering to attest the same.

Now forasmuch as yo^r pet^{rs} brother is kept there in Slavery Contrary to the Constitutions of y^r Majte Government and in breach of Faith and trust reposed in the said Eaton and that yo^r pet^r knows no way to Free him from thence but by yo^r maj^{ty} gracious favor and assistance The said William Goodwin being S^r William Boremans Nephew.

Yo^r Pet^r therefore most humbly Implores yo^r Sacred Maj^{ty} to Comand the said Eaton to come before yo^r maj^{ty} to answer the premisses, and also the Keeper of Bridewell to bring the said Peter Harry before that yo^r Maj^{ty} will be graciously pleased Governor of Mariland to send over yo^r brother and that the said Eaton may bear the charge thereof and further abide yo^r Maj^{ty} pleasure therein

And yo^r Pet^r shall in duty bound ever pray

A true copy

Frances Guyn.

P. R. O.
Colonial
Papers.

(Endorsed)

10 Dec 1684

Reference and Petition of
Audrey Beale.

Read 31 Dec: '84.

Whitehall 20. Dec. 1684.

Whereas His Ma^{ty} in Council has been pleased to refer to the R^t Hon^{ble} the Lords of the Committee for Trade & Plantation the Petition & Complaint of M^{rs} Audrey Beale concerning the sale of Will^m Goodwin in Maryland with Direction that the Persons hereafter named be sent for upon the said Complaint, These are to signify unto the said Persons that they give their Attendance accordingly at the Councill Chamber on Tuesday next at four in the afternoon at w^{ch} Time their Lo^{ps} will take that Business into Consideration

William Blathwayt

Joseph Eaton
Peter Harris.

(Endorsed)

20th Dec 84.

Summons in the case
of Audrey Beale.

To the R^t Honble S^r Geo: Jefferyes K^{nt} and B^t Lord
Chief Justice of his Maj^{ts} Court of Kings bench and
one of his Maj^{ts} most hon^{ble}

Privy Councill.

The Petition of Jos Eaton of London Maryner in
answer to the Complaint of Ann Beale & others

Humbly Sheweth.

That whereas complaint hath been made to yo^r Lord^{ps} ag^t yo^r pet^r for carrying into Maryland in the yeare 1685 a boy W^m Goodwin by name ag^t his free will and consent. Now may it please yo^r Lordsp yo^r pet^r hath for many yeares been a Commander of a Ship to Virginia & as it is Customary hath carryed Severall Merch^{ts} & their Servts but never any ag^t their consent as is objected Moreover haveing examined the matter finds no such person carryed by that name as the complainants do allege they onely endeavouring by clamorous & false reports to blemish & calumniate your Pet^r to yo^r Lords^p & the more to strengthen their alligations have tempered wth a Negro boy belonging to Goo^t Slye of London Merch^t w^{ch} boy was never in England till within this three or foure months. and consequently can truely testyfy nothing in this matter tho the better to Serve their turn understanding the black to be no cristian

& by that means incapable of being evidence in their behalfe without due regard to the qualification of the party (as some of them have owned caused him contrary to the knowledge of his master in some unknown place to be christianed and presently after he declared he knew not their designe nor the contents of the affidavitt.

P. R. O.
Colonial
Papers.

The Prymasis considered yo^r pet^r most humbly submitts the case to yo^r Lorps^d Determination beging y^r Lordships favourable construction yo^r pet^r being able to make it appeare that he never carried any over contrary to their consent or good will.

(Endorsed)

Answer of Ios: Eaton
to the Petition of
Audrey Beal.

Councill Chamber

23. Dec: 1684.

S^r

The Lords of the Privy councill appointed a committee for the plantations think fitt that you bring Peter Harris a black now in your custody on Wednesday next at four in the afternoon to answer such questions as shall be asked concerning William Goodwin

(Endorsed)

Letter to the Keeper of
Bridewell ab^t Peter Harris.

31 Dec. 1684

May it please yo^r Ma^{tye}

Wee have in pursuance of Yo^r Ma^{tye}s Order in Council of the 10th December last considered the Petition of M^{rs} Audrey Beal setting forth that her brother William Goodwin had about two yeares and a half since agreed with Ioseph Eaton Mariner to goe a voyage to Maryland with intention afterwards to serve the said Eaton as an Apprentice for some time if he liked the Voyage: That in Maryland the said Eaton made sale of the said Goodwin to one Gerard Sly an Inhabitant there And having examined as well the said Audrey Beal and such Witnesses as shee did produce as the said Ioseph Eaton who disowned the knowing him by the name of Goodwin hee having gone by the name of wee find by a letter produced by the pet^r which shee received from a Negro newly arrived from that Plantation and which shee affirms to be her brothers hand-writing and well knows that it is the same person by which Letter the Sd William Goodwin owns that he had shipped him selfe on board the said Eatons Ship to goe into that Country

P. R. O. where he now remains a servant to the said Sly. And the
Colonial said Eaton did before us undertake to cause the said William
Papers. Goodwin to be brought over into England. Provided such
necessary charges as Your Majesty or the Lords of the Privy
Councill shall think fit to order bee paid by the Relations of
the said Goodwin in case that when hee is brought over noe
default shall appeare to be in the said Ioseph Eaton which wee
thought reasonable And therefore are humbly of opinion that
the said Eaton bee obliged in a bond of 100^l to Your Majesty
with condition to procure that the said Goodwin be brought into
England with the first opportunity if hee bee then alive in
Maryland upon the petitioners depositing 20^l in the hands of
the Clerks of Your Mat^{ys} Councill to bee disposed of as Yo^r
Ma^{ty} shall Order upon arrivall of the said W^m Goodwin and
further examination of the said matter.

And further Wee are humbly of opinion, that the Lord
Baltemore bee required to take care that the said Goodwin bee
delivered to the said Eaton or his Agent in Maryland in order
to his being brought back into England

All which is most humbly
submitted

Council Chamber
31: Dec: 1684.

(Endorsed)

Report Upon the Petition
of M^{rs} Audrey Beal.

Mem^d the Pet^{er} let^{re} this Business fall.

A Proclamation
For His Majesty's Province of Maryland

Whereas it hath pleased Almighty God to call to his mercy
our late Sovereign Lord King Charles the Second of most
blessed memory, by whose decease, the Imperial Crowns of
England, Scotland, France and Ireland, as also the Supream
Dominion and Sovereign Right of the Province of Maryland
and all other his late Majesties Territories and Dominions in
America, are solely & rightfully come to the high and mighty
Prince James Duke of York and Albany his Majesties only
Brother and Heir We therefore

with the Principall Officers & Inhabitants
of the Province aforesaid

Do now hereby with one full Voice and Consent of Tongue
and heart, publish and proclaim, that the high and mighty
Prince James the Second, is now by the death of our late Sov-
ereign of happy memory, become our onely lawfull Lineal and
Rightful Liege Lord, James the Second, by the Grace of God

King of England, Scotland, France and Ireland, Defender of
the Faith, Supream Lord of the

P. R. O.
Colonial
Papers.

Province of Maryland

and all other his late Majesties Territories & Dominions in
America etc. To whom we do acknowledge all faith and con-
stant obedience with all hearty and humble affection. Be-
seeching God by whom Kings do Reign, to bless the Royal
King James the Second with long and happy Years to Reign
over us.

God save King James the Second.

London

Printed by the Assigns of John Bill deceas'd
and by Henry Hills and Thomas Newcomb
Printers to the Kings most excellent Majesty
1684

[Indorsed] Form of a Proclamation for Maryland.

13th Feb^{ry} 1684/5.

Delivered to my Lord Baltimore with
a Letter from the Council. dated the 6th inst.

I acknowledge to have rece^d this day being the 12th of Feb^r
a pacquett from M^r William Blathwayte 1684/5.

C. Baltimore

Viz a lrē from the Council
& two Proclamations.

(Endorsed)

My Ld Baltemores Rec^t from
the Councill Letter & Proclamation
to be Published

Maryland.

Mem^d 13. Feb^{ry} 1684/5, delivered to my Lord Baltimore a
letter from the Lords of the Councill dated the 6. instant;
directing his Lordship to proclaim His Majesty King James
the second in Maryland according to the Form of a Proclama-
tion enclosed, as also to publish another Proclamation which is
likewise enclosed of the same date for continuing of Offices
till his Majesty's pleasure should be further known.

P. R. O.
Colonial
Entry Book,
Vol. 52.
p. 89

Which letter was directed
To Our very good Lord Charles Lord Baltimore proprietary
of His Majesty's Province of Maryland in America
and signed

W. Cant, Guilford C. S. Rochester, Halifax C. P. S. Beau-

P. R. O. fort, Huntingdon, Bridgewater, Peterboro Craven. Sunderland.
Colonial Chesterfield, Clarendon Ailesbury. Dartmouth. Middleton. T
Entry Book. Earle L. Ienkin. John Nicholas.

P. R. O. Charles the Second by the Grace of God of England Ireland
Colonial France & Ireland King Defend^r of the Faith &c To all to
Papers. whome these presents shall come Greeting Know yee that wee
for divers Good causes & Considerations us thereunto moving
of Our Especiall Grace Certain Knowledge & meere Mocōn
Have given and granted and by these Presents for us our
heires and Successors Do Give & Grant unto our dearest
brother James Duke of York his heires and Assign's All that
the town of Newcastle otherwise Delaware and Fort therein
or thereunto belonging Scituate lying & being Between Mary-
land & New Iersey in America, And all that River called Dela-
ware & Soyle thereof & all Islands in the said River And
all that Tract of Land upon the West side of the River & Bay
of Delaware which lyeth from Skoolkill Creek upon the said
River unto Bombeys Hook and backwards into the woods so
farr as the Minquas Country and from Bombeys Hook on the
said River and Bay unto Cape Cape Hinlopen now called cape.
James being the South part of Asia Warmet Inlett & back-
wards into the Woods three Indians dayes Iourneys or thirty
dutch miles being formerly the possession purchase or right of
the Dutch or purchased by them of the Natives and which was
by them first surrendered into Our lieftenant Governour
Collonel Nichols & which hath since been surrendered unto S^r
Edmond Andrews Lieftenant Governo^r to Our said Dearest
brother James Duke of York & hath for severale yeares been
in his possession with the free use and Continuance in and
passage into and out of all & Singular port Harbours Bayes
Rivers Isles and Inletts belonging unto or leading to or from
the said Tract of land or any part or parcell thereof And the
Seas Bayes & Rivers & soyle thereof bounding Eastward &
Southward on the said Tract of Land And all Islands therein
and also all the soyle, lands, fields Woods underwoods Moun-
tains, Hills fenns Swamps Isles Lakes Rivers Riveletts.

(Endorsed)
Bounds by Indian days
Journies or 30 miles.

Charles. the Second by the Grace of God of England
Scotland France & Ireland King Defend^r of the Faith &c To
all to whom these presents shall come Greeting.

Know yee That Wee for divers good Causes & Considera-
tions us thereunto moving of Our Especiall grace certain

Knowledge & meere mocōn Have Given & granted & by these p'sents for us our heires & Successors Do Give and Grant unto Our dearest brother James Duke of Yorke his heires & Assignes All that the Town of Newcastle otherwise called Delaware & Fort therein or thereunto belonging Scituate lying and being between Maryland & New Jersey in America And all that River called Delaware & Soyle thereof and all Islands in the said River And all that Tract of Land upon the West side of the River and Bay of Delaware which lyeth from Skoolkill Creek upon the said River unto Bombeys Hook & from Bombeys Hook. on the Said River and Bay unto Cape Hinlopen now called Cape James being the South part of Asea Warmet Inlett As also all that Tract of land and water lying from or between the Boundaries aforesaid or Westward thereof which was formerly the Claime or Possession of the States Generall of the United Provinces or any of their Subjects or which was by them or any of them first surrendered unto Our Lieftenant Governo^r Collonel Nichols, & which hath since been Surrendered unto S^r Edmond Andrews Lieftenant Governo^r to our Said Dearest brother James Duke of York & hath for severall years been in his possession with the free use & Continuance in & passage into & out of all Singlar Ports Harbours Bayes Rivers Isles and Inletts belonging unto or leading to or from the said Tract of Land or any part or parcell thereof. And the Seas Bayes & Rivers & Soyle thereof bounding Eastward & Southward on the said Tract of land And all Islands therein And also all the soyle lands fields woods underwoods Mountains Hills Fenns Swamps Isles Lakes Rivers Riveletts.

P. R. O.
Colonial
Papers.

(Endorsed)
Extract of the Grant
Grant of Delaware

May it please your Lo^p

The annexed is the Boundaries of His Royall Highness Patent I humbly begg yo^r Lo^{ps} will please to call for it & move it to the Committee that the Settlement of the Country may not suffer by any delay the Councill who drew it for the Duke is without attending your Lo^{ps} Pleasure. and to answer any difficulty which may happen about it, if yo^r Lo^{ps} please to call him in.

Mem^d Upon reading a letter from my Lord Howard Governor of Virginia dated the 28 Nov. 1684. together with severall depositions and papers transmitted by his Lordship relating to the murther of M^r Christopher Rousby, Collector of His Majesty's Customs in Maryland by Coll: George Talbot one of the Councill and first in the commission in that Province.

P. R. O. Which letter is entered at large in the entry book of Virginia
Colonial V. 3. Pa: 308. The following orders and Reports were made
Papers.

At the Court at Whitehall the 25. Feb^{ry} 1684/5

Present

The King's most excellent Majesty in Councill The Right Honorable the Lords of the Committee for Trade and Plantations having this day presented to the Board the ensuing report viz^t

May it Please your Majesty

Wee have received from the Right Honorable the Earl of Sunderland a letter to his Lordship from Lord Howard of Effingham your Majesty's Governor of Virginia with other Papers concerning a barbarous murther committed on Christopher Rousby Collector of his late Majesty's Customs in Maryland by Colonell George Talbot one of the Councill and first in the commission of the Government of that Province during the absence of the Lord Baltemore, and therein wee do find that on the 31. of October last the said collector being on board your Majesty's Ketch, the Quaker in Patuxens River near Maryland, the said Talbot came on board and after some words had passed between Captain Allen the Commander and the said Talbot chiefly concerning your Majesty's Right of Iurisdiction in those Parts, the said Talbot without any just Provocation embracing the said Rousby, stabbed him with a dagger newly prepared and sharpened, whereof he immediately dyed. After which the said Talbot being put in Irons by Captain Allen, the Councill of Maryland had demanded him in their Lord Proprietaries name in order to his tryall by common Law in Maryland as for a Fact committed within the body of that Province, But two of their members who came on board the said Ketch having refused to demand the Prisoner in his late Majesty's name And Captain Allen conceiving the fact to have been committed as upon the sea carryed him to Virginia where he delivered him to your Majesty's Governor who with the advice of the Councill has humbly represented the State and evidence of this case for your Majesty's directions in what manner and place the Tryall shall be had, whereunto his Lordship was induced as well by the nature and enormity of the Crime both in Relation to the murther which was committed on a Person who had the honor of his late Majesty's Commission and trust in an employment of such importance to your Majesty's Revenue, as to the quality of the Prisoner who had after the fact threatened that if he were on shore, he would raise a thousand men for his further revenge. Upon which considerations and that the

Authority and Revenue of the Crown as the Lord Howard in his letters conceives from the circumstances of this Fact and other late claims of the Lord Baltemore is greatly concerned and designed to be lessened, Wee most humbly offer our opinions that the said Talbot be tryed by special Commission here in England to which end your Majesty may please to order another vessel to be forthwith sent to Virginia with the like instructions to attend the Lord Howard and your Majesty's service there and with particular directions that the said Talbot be immediately brought in safe custody hither on board the Quaker Ketch, And that such of the ships company as are able to give evidence of the fact be particularly required to come over as also that the Right Honorable the Lord Treasurer may have notice to take care that by the same opportunity a fit Person be dispatched to Maryland to supply the Place and imployment of the said Rousby in the collection of your Majesty's Customs and carrying on your service relating thereunto.

P. R. O.
Colonial
Papers.

All which is humbly submitted

Councill Chamber 23. Febr^y 1684/5.

Which being read and approved, it was thereupon ordered by His Majesty in Councill that the Right Honorable the Earl of Sunderland his Majesty's Principal secretary of state do prepare a letter for his Majesty's Royall signature to the Lord Howard Governor of Virginia to send over in safe custody on board, the Quaker Ketch (so soon as she shall be releived by another Vessell which his Majesty hath ordered to be sent from hence) the said Coll. George Talbot to be here tryed for the said Murther and that his Lordship do likewise take good security of such of the said Ketches's Company who can give any evidence concerning the said murther to come on board the said Ketch to testify the same at the said Tryall.

At the Court at Whitehall the 25th Febr^y 1684
Present

P. R. O.
Colonial
Entry Book,
Vol. 52.
p. 94

The King's most excellent Majesty in Council His Majesty. having been pleased upon the report of the Right Honorable the Lords of the Committee for Trade and Plantations to give directions for the speedy equipping and sending such one of his Majesty's Ketches as shall be judged fittest to attend the Lord Howard of Effingham Governor of Virginia and his Majesty's service there according to the Instructions formerly given to the Quaker Ketch, she being now ordered to come for England with Colonel George Talbot who is to receive his Tryall here for the barbarous murther of Christopher Rousby Collector of his Majesty's Customs in the Province of Maryland. It was this day ordered by his Majesty in Councill that

P. R. O. the right Hon^{ble} the Earle of Rochester Lord H: treasurer of
Colonial England be desired to constitute a fit person Collector of his
Entry Book, Majesty's Customs at Maryland in the room of the said M^r
Vol. 52. Rousby and that his Lordship do cause him to be dispatched
so as to be in readiness to depart with the vessel designed to
supply the Place of the Quaker Ketch as aforesaid.

P. R. O.
Colonial
Papers.

Information of W. Markham

March 1685

Having had advice, as I was up the River of my Lord Baltimore being at New Castle, made what possible speed I could down to wait on him and on the 23rd of Sept^{er} about tenn at night, go into Upland Creek, where being told my Lord Baltimore was at my lodging at Rob^t Waides lay that night at Upland. The next morning waited on my Lord, but his lordshipp having a great reteinue with him and every one something to say to me, I desired M^r Haig he would take notice what passed betweene us and write it down, for I feared they would hardly give me so much time as to do it, about three days after his Lordship was gone, I desired M^r Haig to give me in writing what he had noted passed at the time aforesaid the which he did as followeth.

Saturday Sept^{er} 23rd 1682 the Lord Baltimore accompanied with Col: Corsie, Maj^r Seawell Maj. Sawyer, and four of his own Commiss^{rs} and forty men armed with carbines, pistols and swords came from New Castle to and lay all night at Rob^t Wayds. Sunday the 24th being not a day of buisiness, Baltimore desired that he might see his own Instrument and that of Col. Morrissett up, that he might know how they did agree in order to proceed the next day for laying out the line of division betwixt the two Provinces, but after the Instruments were sett up and none appointed to mind them but the L^d Baltmores the men by his order, they told the Lord that they found Upland to lye in the Latt^d 39°, 45'.

Munday 25th Sept^r. This morning his Lordship desired that he might be admitted to go furthur up the river that he might run as far up as the line of 40 where ever it was to be found, but Governor Markham told him that he conceiv^d that from 12 miles above New Castle and so upward upon Delaware River his Lordship had no reason of Claim because he had no interest therein being appropriated to his Mast^r W^m Penn by Letters patent granted to him by the King beginning twelve miles distance northward of New Castle Towne unto the 43° 00' of Northern latitude, unto which the L^d Baltimore replied that he was not to consult what was granted to M^r Penn, but what his Majesty

had granted to himself many years before he granted M^r Penn his patent and that he found he had included all the land on the westwardmost side of Delaware river unto the latitude of the fortyeth degree within his Lordships said Patent, unto which Gov^r Markham replied That as his Lordship was pleased to consult his Lordships one patent, and give what constructions upon the said pattennt his Lordship thought most proper for his purpose, he as his most faithful servant not at all being made known to the contents of his Lordships patent had read and perused the Kings Majestys Letters pattennts granted unto W^m Penn, which he had that time produced to his Lordship under the Great Seale of England, and there found as is here expressed that his Majesty has been graciously pleased by Letters pattennt bearing date the 4th of March last past do give and grant unto W^m P. Esq^{re} all the Tract of Land in America called by the name of Pensylvania, as the same is bounded on the East by Delaware river, from 12 miles distance Northwards of New Castle Towne, unto the 43rd degree of northern latitude, and dayted on the 2nd day of Aprill 1682 for these reasons. George Markham told his Lordship that he could not allow him to take furthur observations because M^r Penn's pattennt took its beginning 12 miles from New Castle, and for the reasons his Majesty had to do soe (which was often questioned by the Lord Baltemore & alledged on his Lordships part that his Majesty had been misinformed) he dares not be so presumptive to inquire into his Majestys reason he being always the master and Interpreter of his own reasons unto whom he referred his Lordship for answer, his Lordship was pleased to say M^r Penn might go there for answer if he pleased; for his own part he had no reason nor would go before his Majesty nor Council Table for any such matter, but would take his own where he found it. The Lord Baltemore by one of his Artists or Commis^{rs} was pleased to object that if we began 12 miles above New Castle and respected the Town as our center; how could we fetch our surveys to touch the Meridian line of 40, it being a matter in his Lordships esteem unpracticable unto which Gov^r Markham replied, that in that they were as far at a loss as in the foregoing argument, for that as he would show them, and at that time produced the letters pattennt granted by his Majesty to W^m Penn, his Majesty had not Concluded the Town of New Castle to be the centre, but that the 40th degree was the centre and the circle of the 12 miles to the northward of New Castle was only to respect the 40th degree as its centre unto which they said his Majesty must have long Compasses. The Governor made answer he hoped they would not limit his Majesty's Compasses. These and such like arguments being often disputed and repeated on both sides his Lordship desired

P. R. O.
Colonial
Papers.

P. R. O.
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Papers.

of Governor Markham his reasons under his hand, why he would not allow or concurr with his Lordship to lay out the line on Delaware river, unto which Governor Markham agreed. After his Lordship had perused Gov^r Markham's reasons and ready to take boat to go towards New Castle where he and Governor Markham had appointed to meet in order to lay out the line of Devision betwixt the two Provinces upon Chessapeak Bay and the rivers respecting the Bay, his Lordship was pleased to call his people together and then declare he was then in Maryland, unto which Governor Markham answered he was under a mistake for he was in Pennsylvania, no said my Lord Baltimore, I am in Maryland, and will settle some of these people about me here, upon which Governor Markham told him, that if his Lordship was in earnest, and if they were not words of course, that then being the debate between his master Penn and his Lordship, could not be otherwise decided their pretences being both by letters Patent from the King that he perceived his Majesty was the proper person to end that difference, but his Lordship replied no he would not go before his Majesty, the land was his, and as soon as they had found where the line of 40 would fall upon Chessapeak Bay, he would come with his Eastern line and take possession of his part of the river and above it ten miles, but Governor Markham replied, that he had received this river and every part thereof 12 miles above New Castle by virtue of letters pattents from the King in favour of his master Penn from the Government of New York, but had no order to deliver it up to any man nor suffer any person to keep possession of it, and unless he received such or the like orders from M^r Penn, he would keep it until his master Penn's arrival which he did not doubt but what would be very shortly, and desired his Lordship would refer all to his coming, but his Lordship would not consent, then the L^d Baltimore took boat and went to Markissnookati chichester, and there went from house to house prohibiting the Inhabitants to pay any more quit rents to M^r Penn, telling them that the land was his, and that he would suddenly return and take possession of it, and that they were cheated, & deceived by W^m Penn Dep^{ty} Governor which caused such a consternation in the Inhabitants of those parts, and in the Inhabitants of Upland that the next day when Governor Markham was ready with his boat, his Instruments on board, his horses provided to go by Land, and all other materials ready to wait upon his Lordship at New Castle, according to appointment from thence to go to find the line of 40 upon the rivers towards Maryland, the Inhabitants aforesaid being terrified by the reason aforesaid came to the Governor & desired to be removed from their habitation as conceiving themselves not

safe nor secure by reason of his Lordships unexpected claim which obliged George Markham to consult the persons of his Council most concerned in the Province, who was not willing he should at this time go out of the Province but remain, to quiett the disturbed People and therefore advised him to write to the Lord Baltimore.

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W^m Markham Gent. maketh oath that all the contents within mentioned are true, to the best of his knowledge.

W^m Markham.

(Indorsed) Information touching
My Lord Baltimore at Upland.

Sworn before the Committee
March 17th 1684/5

To Answer my Lord Baltemores letter to me of the 11th July 1682. will be sufficient to clear myself of what he hath charged me with until that day it being a repetition of the Journall be kept, but cannot begin my Answer with the beginning of his letter, he having begun with the end of the story. The Letter I sent my Lord from the head of the Bay, bore date the 25th of Sept^r 81. occasioned by my long passage up thither having spent most of the time I intended for my journey to New York, or to have sent thither to borrow Col. Morris Instrument by which I desired tenn days longer. After I got home (being very ill) sent a second letter to my Lord which he mentions the receipt of, but before it came to his hand I had one from him of the 10th Sept^r 81 (which he cunningly would avoid mentioning) wherein he tells me he could not come up that year for fear of the frost; but would wholly lay the not meeting that year to me. To mine of the 17th March 81/2 I might reasonably have expected an Answer before the 22nd of May, which was the day I received his of the 14th Ibid in which he tells me he had ended his Sessions of Assembly, and setting his business in order, to meet me the beginning of next month, without regard to any Affairs of mine, the which at that time was very urgent, for having engaged to pay the Indians for the land I had bought of them before the middle of June, in expectation of which they deferr'd their hunting till it was almost too late for that year, and if they had gone before I had payed them we could not have had any land that year to seat the people on that dayly came there, it being our custom not to bye any land on bought of the natives, a thing my Lord Baltimore's a stranger to having taken all his by force, never purchased any of the poor natives, nor did he once mention his having an Instrument I desired by mine, altho' he knew I had none, but that had sent to New York to

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borrow one, which was not yet come, nor had it, had not I gone myself & engaged for its security, On the 26th of May, seeing a necessity for my going to New York, as aforesaid, sent an Express to my L^d Baltemore supposing it might be with him before his setting out, with orders at home, that if they heard of my Lord's coming, to send an express to me at New York. My Lord here takes notice of the receipt of mine of the 26th of May, and that in it I mention the 10th June, but not the occasion which was to desire it might be put off till I came from New York but t'is his Lordshipp's way of showing his politicks. and now S^r I beg leave that I might not follow his Lordshipp's immethodical method, to leave his letter of the 11th of July a while, and come to some others of his, & agents, that I might the more easily Keep the path I began in, here ought to be read his letter of the 1st June 82, by which he excuses his not coming himself as he had promised, but that he had sent his Commiss^{rs} and hoped they would meet with persons the like qualified, this very letter was brought by the Commiss^{rs} themselves, and the first time I ever heard he had an intent to send Commis^r and therefore no wonder they were disappointed of meeting any the like qualified, with this letter I received one from his Commiss^{rs} dat. from Augustine Harmany, the 10th June 82, they were both brought into New York by George Goforth, in this letter they desired I would dispatch persons with Instruments to joyne with them, in order to this I shipp off an Instrument at New York on board of Gregory Sloop, and took my journey by land to meet them. When the Sloop arrived at New Castle, my Lord Baltemore's Comm^{rs} were there, and understanding the Instrument I had borrowed was on board, did by the means of the Dutch Inhabitants of that Towne, procure the Master (he being a Dutch man) to bring it on shore, and there they used it as you may see by my Lord's letter of 11th July (a Confidence I never met the like to dare to touch an Instrument that was to be used by the contrary partie and so privately that no friend of ours was by) now how honest this will appear before all sober men. as his Lordshipp is pleased to say of my actions, I know not, but in my opinion they that don't take it for Knavery will be mistaken. I beg pardon for this digression. The day after they had used the Instrument I came down to New Castle, believing the Commissioners had been there, but they were gone the night before. The next morning I sent M^r Haig to Augustine Harmans in hopes to have found them there, but they were gone before he came there, but on the same day what reason these Gentlemen had to go back when they saw the Instrument, and was told I was near home, I can't imagine. July 7th 82 I sent to my Lord to give him an account, that I made all possible speed to meet

his Com^{rs} how strangely I missed them, and how ready I was now to join with them, now I had secured pay for the Indians. By a letter from my Lord of the 14th August 82, he tells that some time the next month he intends to send his Commissioners up again, and perhaps come himself, the which accordingly he did, a particular jornal of it I have writt by itself.

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W^m Markham Gent. maketh oath
that this is a true Answer to all the
Allegacōns (yet known) alledged by
the Lord Baltemore.

W^m Markham.

An Answer to the L^d Baltemore.

Sworn before the Committee/

March 17th 1684/5.

My Lord.

Yesterday I put my Instrum^t on board my boat and provided otherwise to attend your Lordships at New Castle in order to lay out the line betwixt the two Provinces towards Chessapeak Bay but as the tyde served and my boat ready to sail I received advice from CheChisterati Markis Hook of your Lordships carriage in that Town which I no sooner received but reflecting on your Lordships last words at parting from Upland, I saw it absolutely needful for me to consult with the persons in this Province most concerned for the safety of it and my Lord, they are of opinion that your Lordships hath left this Province in that disorder that it is absolutely necessary for me at this time to stay in it as well to giveth the mind of the Inhabitants as also to prevent any such thing for the future, thus my Lord your Lordship has prevented my attendance

This is a true copy sent to the Lords
Baltemore (the conclusion or complem^t
excepted, to which William Markham
maketh oath

W^m Markham.

M^r Markham's Attestation of a letter sent to my L^d Baltemore.

Sworn before the Committee

March 17th 1684/5.

Tuesday 17th March 1684-5.

A letter from M^r Penn dated this day is read praying that he may have an order for quieting the possession of the Lands in Delaware as His Maj. had placed it, till the difference between M^r Penn and the Lord Baltemore be heard But their Lordships do not think fit to do anything therein.

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M^r Blackston's Letter of Complaint
against Lord Baltimore's Officers.

May it please your Honors

I hope my letter of the 10th of November last sent via Virginia and my duplicate of the same in another ship is come safe to your hands since which I met with divers Testimonies and Experience of the truth of what Intelligence I therein gave to your Honors The most horrid murder of His Maj^{ty's} Collector here hath been and is daily seconded with very apparent tokens of approvement both from Talbot the bloody Malefactor and all his Adherents who are busy in extenuating his crime and have conspired and procured his Escape from Prison in Virginia and from thence transported him to Marry Land where he remains publicly known at his own House. There is little hopes of his being brought to Justice that he may receive condign Punishment there being a literal intercourse and correspondence between him and some principal Magistrates of this Province, and no effectual Course taken for apprehending him which I humbly conceive may be a strong Argument and signal token to your Honors of the ill and wicked carriage of things here and since M^r Rousby's murthur I have been continually discountenanced and obstructed in my proceedings in his Majesty's Service by the Chief persons left and deputed for the Government of this Province. They have contemned and disowned my Commission torn and burnt my Certificates to Masters of Ships & have diverted and dissuaded Masters of Ships from applying themselves any ways to me and so have entered clear and dispatcht Ships without my Notice or privity by which means I am certain several Transgressors have escaped and many frauds pass undetected My Lord Baltimore's Council have also assumed a power to themselves to depute another to be Collector in several Rivers to levy and receive all His Majesties Rates, Duties and Impositions payable by the Act of 25th yeare of the Reign of our Sovereign Lord the King and for my disowning and not complying with those Appointed (and I hope your Honors will not blame me for saying spuriously impowered) Collectors and for my dissenting from their Proceedings I have been served with Warrants to appeare before some of them and then threatened me with bringing me to the Provincial Court and with infliction of several Punishments, Banishments and utter ruin of me and my Family. One of them especially by name Coll W^m Diggs domineers & tells me I shall not maintain my Commission here unless by great Guns as Captain Allin doth, whom he and the rest try to calumniate and ignominiously term him a pirate & endeavour to throw all such like base, scurilous aspersions against him me and both our Commissions, but notwithstanding

all threatenings and difficulties I shall proceed to the best of my knowledge and Endeavours to execute the Duties of my Place and Commission especially in what I see may most conduce to His Majesty's Interest and service in the present circumstances and exigence of Affairs here, wherein I hope your Honor will approve and make it known that His Maj^{ty's} officer shall be owned and supported in that legal and indubitable authority derived from your Honors against all opposers and adversaries of his Majesty's Sovereignty which by those practices & present methods used is endeavoured to be excluded this Province as to which I humbly beg your Honors mediation for his Majesty's true information that a course may be taken to repel and remedy those growing and intolerable insolences and illegal doings under which His Majesties officers heretofore have ever been sufferers and now after them I expect the same or as bad usage to complete the hard measure I met with already unless speedy care be had for prevention of the Dangers and mischiefs that certainly impend me in prosecution of His Majesty's Service in this Country. I am confident his Majesty is prejudiced several thousand Pounds by the obstruction and confusion that's caused in His Majesty's Affairs and concerns here and I doubt his Revenue from the duties of the penny per pound for Tobacco will prove but small this year by reason many Masters and Merchants bound for other of His Majesties Plantacōns would have carried Tobacco but have been threatened by the aforesaid Coll. to seize their Ships and be sued if they paid any Duties but to themselves Whereupon they being discouraged & frightened have declined carrying any Tobacco. I know as yet but of two Entries made with me or my Deputies for Tobacco to pay the Duties in the whole Province and for those and what else comes in shall transmit Bill of Exchange payable according to the Directions formerly given by your Honors Instructions to M^r Christopher Rousby which measures I humbly conceive is most proper form to take till further order. I hear some of the said Collectors have lately clandestinely cleared and received His Majesties Duties of some Tobacco and as to that I shall make through Inspection and Endeavour your Honor's speedy Information Major Nicholas Sewall one of the aforesaid Council and Collectors at Puttuxan entered some Irish and some other Ships which upon my suspicion of their being Transgressors of the Laws of Trade I told him of the irregularity of such Proceedings in giving Entryes & permits of Trade without the knowledge and assent of the Chief Officer of His Majesty's Customs for the time being and demanded the Cocq^{ts} and certificates (if any) brought in by the Masters of those Ships but the said Sewall deferred delivery thereof and suspecting that either I or Cap-

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tain Allin by my order would seize on them immediately sent notice to those masters of their Dangers and promised them all favour upon their submitting their ships to their Seizures, which was complied with and accordingly prosecuted, and the Ship brought to condemnacōn by a Private Court appointed for that purpose and all this is done as appears and can be fully proved to prevent our proceed^s and just Executions of our Commissions in behalf of His Majesty. In like manner there was some prohibited goods put on shore near S^t Marys from on board of a ship that fled from me out of Puttuxan River. The said goods with all speed were seized by the said Major Sewall and Colonel Darnel who appointed a Tryall for the same in which business they might have had witnesses enough besides there was the Depositions of some persons who are still resident in the Province whose proof could have effected the condemnacōn of the said Goods but the said Goods notwithstanding all this which they well knew were cleared and acquitted and those material witnesses never summoned in the business. The Ship which imported these goods and Commodities was soon after the landing of them met with and seized by Captain Allin to whom I sent Directions to that purpose and when the Ship was so seized and a Tryall demanded in His Majesties behalf which was denied him by one of the principall Ministers and Officers of this Government Captain Allin then carried the said Ship to his Majesties Court in Virginia where I was forced to dismiss my Prosecutions against her and took the Masters Bond in His Majesty's behalf to answer to your Hon^{rs} in England and all for the Reasons recited and expressed in the condition of the said Bond a Copy whereof I have here enclosed by all which Proceedings I hope it evidently appears how just cause there is of complaint to your Honors of the great prejudice done and designed against His Majesties Officers His Interests and Affairs in these parts. I have severall Transactions and matters more to acquaint your Honors with, to which to avoid too much perplexity I'll at present suspend till next opportunity of writing which I believe will be by M^r John Rousby (brother to His Majesty's late Collector. M^r Christopher Rousby) who intends a voyage to London by the next Ship from Puttuxan River and when he arrives will give your Honors a true and ample relacōn of transacting here by his safe conveyance I intend to send a Duplicate hereof as also the Original of that Copy of the Bond here enclosed and by the same opportunity will transmitt my duplicate of M^r Christopher Rousby's Account of all the Duties he received for His Majesty since my time and what he therein remains Debtor at his death his said brother saith at His arrivall he will readily and punctually. There hath not a Letter come from your Honors directed to M^r Chris-

topher Rousby his Brother nor myself this nor last Year which I now mention, that in Case your Honors have sent or writt anything to either of us your Honors may know the occasion of such miscarriage. I do most humbly request and implore the favour of a few Lines by the first Opportunity that I may know His Majesties Royal Pleasure for reducing the disorders and remedy of the smarting grievances of His Loyall Subjects trading to and living in this Province, the Redress whereof will be welcome Tydings and will particularly rejoice

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Your most humble
faithfull obedient Serv^t

Nich: Blackiston.

Maryland, 20th Aprill 1685.

M^r Blackiston's Letter of Complaint
against L^d Baltemore's Officers.

Presented by the Com^{rs}
of the Customes.

Read in Councill 10th July 1685.

The Lord Baltemore's Answer to the Complaints of
M^r Nehemiah Blakiston mencōned in His Letter to the
Commissioners of His Majesty's Customs dated the
20th of April 1685.

It plainly appeareth by a Letter from the Gover^r of Virginia to the Deputies of Mary Land, that the Escape made by George Talbott out of Prison, was occasioned by the corruption of the Guard, and not procured by any Persons of Maryland as is falsely suggested in the Letter of the said Blackiston, and that as soon as the Governor of Virginia had given notice to the Deputies of Mary Land of the said Talbott's escape, special care was taken immediately by them for his Apprehension as appears by the hue and cry sent out into all parts of the Province besides what other ways and means could be used for the speedy beginning of the said Talbott, who never was publicly seen at his own plantacōn (though the contrary is affirmed by the said Blackiston, but always kept himself out in the Mountains to the Norward, until at last he resolved to surrender himself to the Deputies of Maryland where now he is under a strong Guard to be disposed of as His Majesty shall think fitt.

His Lordshipp is very confident M^r Blackiston has no just cause to complain of his being discountenanced in the Execution of his Place for that he very well knows his Officers dare not presume to offer any contempt nor show the least disrespect either to his Person or Commission nor would they presume to dissuade Masters of Vessels from presenting themselves and their Certificates to His Majesty's Officers, his Lord-

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ship having long since ordered that they should apply themselves to the King's Collector as well as to his own and such was the practise whilst M^r Christopher Rousby was living and the truth of this may be easily known from several Masters of Ships and others now in Town, after M^r Christopher Rousby was so unfortunately Killed by George Talbot the Deputies of Maryland did presume to appoint Coll. W^m Diggs and Major Nicholas Sewall (both of them persons of good repute and Estates) to officiate as Collectors for His Majesties Dues, until another person could be appointed by the Commissioners of His Majesty's Customs, and this they thought their Duty to take care to doe, that His Majesties Officers might receive the less prejudice by that wicked Act of the said Talbot and his Lordship doubts not, but the said Persons so appointed will give a just account of their proceedings to the Commissioners of His Majesty's Customs.

His Lordship cannot believe that M^r Blackiston has been served (as he alledges in his said Letter) with any Warrant or has been threatened in that manner as he has writt and therefore humbly begs that enquiry may be made of such Persons as are lately come from those parts of whom the truth of all this may be easily known, though it may very possibly be that he has been arrested at the suits of his many Creditors, it being known to many he is much in debt and has been so for many years.

Coll. W^m Diggs one of his Lordships Collectors is known by several Eminent merchants here to be a person of so much loyalty as that he would not be guilty of those foul things laid to his charge in the said Letter, and it were to be wished that M^r Blackiston had at all times expressed his loyalty to the King as amply as the said Diggs has always done both in Virginia and Maryland.

Tis not possible for any Person that understands the Trade of Maryland to believe his Majesty should be prejudiced several thousand Pounds, if his Lordships Officers should be as malicious and as wicked as the said Blackiston doth endeavour by his Letter to represent them for whilst M^r Chr: Rousby lived who understood the office well and knew as much as any Person how to make the most of it there never was much above one hundred pounds in One year received by him, for so he often declared to his Lordship, t'is strange therefore to his Lordship as also to all dealers and Traders thither that M^r Blackiston should find out that it is possible for his Lordships Officers by any obstruction which he says is given by them to prejudice his Majesty in so high a measure, were they so un dutiful and impudent as to do it in any matter whatsoever.

But M^r Blackiston takes care to signify that he doubts he shall receive little Tobacco this year, and gives this as a reason

that his Lordships Officers threaten the Masters of Vessels that in case they pay not the penny per pound duty to them, they shall be sued and their Vessels seized, and yet notwithstanding this complaint, His Lordship is ready to make it appear that the said Blackiston had received several thousand pounds of Tobacco, even afore he had writt that letter, and the same had paid away to his creditors, who never had any hopes of being satisfied by him until he had obtain^d His Majesty's Commission. This will be proved if required, so that M^r Blackiston had no other way this year to make up his accounts with the Commissioners of His Majestys Customs but by pretending great obstructions from his Lordships Officers.

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What M^r Blackiston has mentioned concerning Major Sewal is as untrue as the rest of his Letter, for when the said Sewall had given him notice of several Irish Vessels he intended to seize the said Blackiston, neglected to assist him in it and so the said Sewall was forced to proceed without him and after that those Vessels were seized, the said Blackiston persuades Captain Allin to send Boats and men to secure them, who finding his Lordships Officers on board were disappointed which gave great trouble to them both and is the cause of his writing that he was prevented in the discharge of his office, some of the said Vessels were condemned at a special Court and the rest more likely to receive the same condemnation as his Lords^p has been informed and a faithful Account will be given suddenly by his Lords^{ps} Officers to the Commissioners of His Majesty's Customs and his Lordship is assured they will be also ready and able to clear themselves in all particulars when they shall know and understand what M^r Blackiston has charged them with, for his Lordship doth not doubt but it will in the end appear some prejudice and ill will the said Blackiston has been guilty of in his Office and of which his L^{dps} has given notice to the Commissioners of his Majesties Customs.

Therefore his Lordship humbly beggs that the said Blackiston may be required to prosecute his great Charge contained in his said Letter That in case Coll. Diggs and the rest of the Officers in Maryland be found guilty they may suffer, but if innocent as his Lordship hopes and believes they are, that then they may be cleared.

C. Baltimore.

The Lord Baltimore's Answer to
M^r Blackiston's Letter.

Presentment 29th of April 1685

The Comm^{rs} humbly mind his Lordshipp of the Papers remaining in the hands of M^r Guy (being presented to the late

P. R. O. Lords Com^{rs} of his Majesty's Treasury) concerning the barbarous killing of M^r Rousby Collector of the Plantacon duty in Maryland and humbly lay before his Lordshipp a Letter they lately received from Cap^t Allin Commander of his Majesty's Ketch the Quaker giving a fresh account of the difficulty and unsafe condition that the Officers of the Customs there live in with the Comm^{rs} desire his Lordshipp to lay before his Majesty to the end that some course may be taken that the officers may remain there with safety an encouragement in performance of their Duties and that his Lordshipp would be pleased to take the opportunity of the Vessel that is now going in his Majesty's Service to that Province.

J. Werden
V Butler
J. Buckworth
W. Dickinson
T. Chudleigh.

29th Aprill 1685.

Copy of the Comm^{rs} presentment touching M^r Rousby's death and the discouraging of the officers in Maryland.

An Extract of a Letter from Coll. William Diggs from Maryland to the Right Hono^{ble} the Lord Baltimore dated June the 11th 1685.

In pursuance of those orders and Instructions for the Proclaiming his most sacred Majesty James the Second Sent by your Lordships, We have taken effectual care that it shall be done with as great a cheerfulness and in as solemn a manner as the Constitution of our Country will admit of, and in order thereunto we have proclaimed him at St. Maries by Coll. Darnall and Maj^r Sewall with your Lord^{ps} life Guard, this day my Companyes met with most of the Gent and Inhabitants of this end of the County who express a great deal of joy, there is likewise orders sent to all the Counties of this your Lordship's Province, which will be forthwith done as I question not but your Lordship will have particular advice. Tho' our neighbours have had the honor of showing their duty before us, having had the assurance of the death of our late dead Sovereign Charles the Second of blessed memory, and the peaceable Accession of this his present Majesty to his Throne, a considerable time before, yet I question not but we shall be as ready to and for me our Duty in all respects whatsoever and as cheerfull & honest hearts as they can doe, notwithstanding the Distinction they are pleased to make of these two Governments, should such Reports come out of this Province as have too lately from

the other side, I should not think our hearts and tongues went together.

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Your Lordships
most obedient and most
humble & faithful Servant
W^m Digges.

Maryland

11th June 1685.

Extract of a letter from M^r Digges.

Read the 1st August 1685.

Mem^d On the second of July 1685. the following Letter from his Majesty is delivered for the Lord Baltemore

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Right Trusty and welbeloved, wee greet you well. As wee have with great satisfaction received the ready and dutiful assurances and expressions of loyalty and obedience from our good subjects under your Government since our accession to the Crown, so shall wee at all times extend our royall care and protection to them in the preservation of their Rights And in the defence and security of their persons and estates which wee think fit that you signify unto the Councill and Assembly of that our Colony, As also upon meeting of our Parliament they have for the Repairs of our Navy, and for providing stores for our Navy and Ordnance and other our important Occasions chearfully and unanimously given and granted unto Us an Ayd and assistance to be raised and levyed upon all Tobacco and sugar to be imported into this our Kingdom according to such rates and during such time and in such manner and form as by the Act herewith sent you is more particularly set forth, Which imposition as it is not layd on the Planter or Merchant but only upon the Retaylor, Consumptioner or Shop-Keeper, Wee are well assured will not be burthensome or inconvenient to our subjects under your Government but that on the contrary it will be of great benefit, credit and advantage to them by the enabling us the better to defend and protect the navigation of this Kingdom and the Trade of our Plantations, which cannot but be of great satisfaction and security to the inhabitants of that our Colony.

Wee have likewise thought fit to acquaint you for the information of our subjects under your Government, that the peace and quiet of our Kingdom of Scotland has received some disturbances from the Traiterous practices and rebellion of the late Earl of Argyle by his landing in the West High-Lands with men and arms, but that it has pleased Almighty God to deliver that Traitor and his rebellious followers into our hands, so that upon seizing his Ships and Arms and materials of war

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and defeating the multitude he had gathered together, He is now secured in Our Castle of Edinburgh in Order to his execution, whereby the Peace of that Kingdom is perfectly re-established and our forces there ready and at leisure to receive and obey such Orders as Our service shall require elsewhere. Wee are likewise pleased to inform you that the late Duke of Monmouth, since attainted of Treason, is in the same Traiterous and Rebellious Manner landed in the Western Parts of this Kingdom, And with a number of men of the lowest degree and many of them unarmed has given disquiet to those Parts, But by the Care wee have taken in sending thither a sufficient number of our standing forces of Horse, foot and dragoons who are now in pursuit of him, Wee are expecting to hear of the total defeat of that Traitor and his accomplices, And wee being at the same time perfectly assured of the constant and undoubted Fidelity of the Nobility and Gentry as well as of the Militia of this Kingdom and having the better confirmation of the peace and tranquility of our dominions ordered such other new levies of Horse, ffoot and dragoones as be required, Wee cannot fail by the Blessing of God of a happy issue and success in our Affaires. All which we have thought fit to intimate unto you for the preventing any false rumours or reports which might be spread amongst our subjects at that distance by the malicious and Traiterous insinuations of ill men, and so Wee bid you heartily Farwell. Given at our Court at Whitehall the 26. day of June 1685. in the First year of our reign. •

By His Majesty's Command.

p. 101 Extract of a letter from the Mayor of New York, dated the 13th May 1685.

Since His Majesty hath been pleased to sepearate Delaware and the two Ierseys from this His Government of New-York, this City has apparently and extreamly suffered in the diminution and loss of its' Trade, being thereby deprived of at least one third Part thereof and hath ever since much lessened and decayed both in number of inhabitants Rents and Buildings, and his Majesty in His Revenue likewise suffers thereby, and the remaining part of this Province, when less able, the more burthened.

Upon which their Lordships making a report to his Majesty, the following Order was made.

At the Court of Whitehall the 17 of Iuly 1685. By the King's most Excellent Majesty and the Lords of his Majesty's most Honorable Privy Councill.

A Report from the Right Honorable the Lords of the Committee for Trade and Foreign Plantations being this day read at the Board in the words following vitz

May it please your Majesty

Wee have received a letter from the Mayor, Aldermen and principal officers of the City of New York dated the 13th of May last, setting forth that since your Majesty hath been pleased to permit Delaware and the two Ierseys to be seperated from the Government of New-York, that City hath extreamly suffered by the loss of at least one third Part of its trade, and hath ever since much decayed in the number of Inhabitants, Rents and Buildings, and that your Majesty's Revenue doth likewise suffer thereby, whereupon wee offer our opinions that your Majesty's Attorney General may have directions to consider the several Grants and proprieties of East and West New Iersey and of Delaware aforementioned and to enter writts of Quo Warranto against the respective Proprietors thereof, if He shall find cause, it being of very great and growing prejudice to Your Majesty's Affaires in the Plantations and to your Customs here that such independent Governments be Kept up and maintained without a nearer and more immediate dependence on your Majesty

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All which is most humbly submitted

Rochester, Halifax P. Clarendon C. P. S.

Ormond. Beaufort

Council chamber

15. Iuly 1685.

His Majesty being graciously pleased to approve of the same is pleased to Order that M^r Attorney General do forthwith consider of the several Grants and Proprieties of East and West New-Iersey and of Delaware, and Enter Writts of Quo Warranto against the respective Proprietors thereof, if he shall find cause.

W^m Bridgman.

At the Court at Whitehall
the 17th of July 1685.

P. R. O.
Colonial
Papers.

Present.

The King's most Excellent Majesty
in Council

After reading this day at the Board the Answer of the Lord Baltemore Proprietary of Maryland to the Complaints against his Officers there. his Majesty was pleased to order a Copy of the said Answer to be forthwith sent to the Comm^{rs} of his Majesty's Customs and that they together with the said Lord Baltemore attend his Majesty in Council upon that matter in this day sennight being the 24th inst.

W. Bridgman.

17th July 1685.

Order for Lord Baltemore and the
Comm^{rs} of the Customs to attend
the 24th

P. R. O. Munday 3rd August 1685.

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Papers.
P. 175

Extract of letter from Col. Wm. Diggs to my Lord Baltimore dated 11th June last was read whereby their Lord^{ps} are acquainted that his Maj. had been proclaimed at the Town of St. Marys in Maryland and that orders were sent to do the like in all the other Counties in that Province

P. 179 Tuesday 18th August 1685.

Upon the petition of William Penn Esq, referred to the Committee setting forth that the difference between my Lord Baltimore and the petitioner is about a Title of Land and not of Power and so not the Question of the Quo Warranto issued against my Lord Baltimore and therefore praying that a short day may be set for hearing and determining the same Their Lordships appoint to hear the difference between the Lord Baltimore and the pet^r concerning the Boundaries and Title of Soil in America on Wednesday the 26th of this month at four in the afternoon and order notice thereof to be given to both parties accordingly.

P. R. O. Instructions prepared by the Commissioners of the Customes
Colonial for the Governors in the Plantations for the better putting in
Entry Book, execution the Acts of Trade and Navigation.
No. 97.

James R.

Our Will and Pleasure is that our right trusty and Well-beloved Charles Lord Baltimore give order and take particular care that the following instructions be strictly observed and followed by all Officers and other persons whom it may concern in our Province of Maryland.

1. You are well and truly to inform yourself of the principal laws relating to the Plantation trade made in the 16th year of His said Majesty's reign, The Act for regulating the Plantation Trade made in the 22. and 23. years of the said king's reign, and the Act for better securing the Plantation Trade made in the 25. year of the said king's reign, being all contained in a book of rates herewith delivered unto you for your further information.

2. You are to take notice that by the said Act of Navigation no goods or commodities whatsoever are to be imported into or exported out of our Province of Maryland or any other of our Colonies or Plantations in any other ships or Vessels whatsoever but in such as do truly and without fraud belong only to the people of England or Ireland, Wales or Berwick or are of the built of and belonging to any of our Colonies or Plantations as the Proprietors and right owners thereof, and whereof

the Master and three fourths of the Mariners at least are English under the Penalty of the forfeiture and loss of all the Goods and Commodities which shall be imported or exported in any other ship or Vessel, as also of the ship or Vessel and, if any goods shall be imported or exported contrary thereunto you are to cause seizure to be made thereof, as also of the ship or vessel importing or exporting the same, and direct Prosecution thereof as in the said Act is provided: And for your information as to foreign built ships, Wee refer you to the Act made in the 14th year of the said late Kings reign for preventing Frauds and regulating abuses in our Customs being also contained in the said book of Rates; And whereas it is required that the Master and $\frac{3}{4}$ of the Marriners at least be English, you are to understand that any of our Subjects of England, Ireland, or the Plantations are to be accounted English, and no others; And that the number of Marriners are to be accounted according to what they shall have been during the whole voyage.

3. Whereas by the said Act of Navigation 'tis further enacted that for every ship or vessel which from or after the 25th December 1660. shall set saile out of or from, England, Ireland, Wales or Berwick upon Tweed for any English Plantation in America, Asia or Africa, sufficient bond shall be given with one surety to the chief Officers of the Custom House of such Port or Place from whence the said ship shall set sail to the value of £1000. if the ship be of less burthen than 100. tuns, and of the sum of £2000. if the ship shall be of greater burthen, that in case the said ship or Vessel shall load any of the Commities therein enumerated at any of the said English Plantations, that the same Commodities shall by the said ship brought to some Port of England, Ireland, Wales, or to the Port or Town of Berwick upon Tweed, and shall there unload and put on shore the same (the dangers of the seas only excepted) And for all ships coming from any other Port or Place to any of the aforesaid Plantations, who by this Act are permitted to trade there, that the Governors of such English Plantations shall before the said ship or Vessel be permitted to load on board any of the said Commodities take bond in manner and to the value aforesaid for each respective ship or vessel that such ship or vessel shall carry all the aforesaid Goods that shall be loaden on board the said ship to some other of our English Plantations, or to England, Ireland, Wales or Berwick, and that every ship or vessel which shall load or take on board any of the aforesaid goods until such bond be given to the said Governor, or Certificate produced from the Officers of any Custom House of England, Ireland, Wales or Berwick that such bond hath been there duly given shall be forfeited with the guns, tackle, ap-

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parell and furniture to be employed & recovered as therein is directed. You are to take notice that tho' by the said Act the word (Ireland) is to be inserted in the condition of the bonds, and permission thereby given to bring the enumerated Plantation Commodities to Ireland as well as to England, Wales, or Berwick yet by the aforesaid Act for regulating the Plantation Trade (which being expired is revived by an Act of this present Session of Parliament.) The word (Ireland) is to be left out of the condition of such bonds; and you are not to permit any ship or vessell to load any of the enumerated goods upon any certificate of bond having been given in Ireland after the first day of September 1685. But in that case before they load any of the said goods They are to produce certificates of bond given in England, Wales, or Berwick, or to give bond to yourself or to the person by you appointed to receive the same with good security as aforesaid. And if any ship or Vessell shall load or take on board any of the said Commodities until such bond given in Maryland or Certificate produced from the Officers of some Custom-House of England, Wales or Berwick that such bond hath been there duly given, the said ship or Vessell is forfeited with her guns &c. to be recovered and divided in manner as is therein directed.

4. And whereas by the aforesaid Act made in the 25th year of the said late King's reign for the better secureing the Plantation Trade, 'tis enacted that if any ship or Vessell which by law may trade in any of His Majesty's Plantations, shall come to any of them to ship and take on board any of the aforesaid Commodities, and that bond shall not be first given with one sufficient surety to bring the same to England, Wales or the town of Berwick upon Tweed and to no other place, and there to unload and put the same on shore (the danger of the seas only excepted) that there should be answered and paid to the said late King His Heirs and Successors for so much of the said Commodities as shall be laden and put on board such ship or Vessell the rates and duties therein mentioned, you are to understand that the payment of the said rates and duties thereby imposed doth not give liberty to carry the said Goods to any other place than to some other of His Majestie's Plantations, or to England, Wales or Berwick, and that notwithstanding the payment of the said duties Bond must be first given to carry the said Goods to some other of His Majesty's Plantations, or to England, Wales or Berwick, and to no other Place.

5. And for preventing the many Frauds, mischiefs and inconveniencys in granting Certificates to ships giving bond in England, Wales or Berwick the Commissioners of our Customs have caused Certificates in Blanks to be sent to the Customer, Comptroller and Collector of each Port in this Kingdom with

directions to grant the same as occasion, and you are to cause all such certificates of Bond given in England, Wales or Berwick to ships arriving within our Province of Maryland to be produced as well to the Collector of our Customs there for the time being or his Deputy, as to the Officer appointed by you to receive the same: and the better to discover the truth of Certificates of Bonds given in Maryland the said Comm^{rs} of our Customes did formerly deliver to you a sufficient number of printed Certificates in blanks of several sorts, And you are to give order and take care that your Secretary's or Navall Officer's do join with the said Collector of the Customs, or his Deputy for the time being in granting the said Certificates, and that they do not grant any other Certificates than those before mentioned, nor them without the hand and seal of the said Collector or his deputy, nor accept of any security upon bond given in Maryland without the Privy and approbation of the said Collector or his Deputy, or of any Certificates in discharge of such bonds without the like approbation.

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Mem^{dm} This clause being inserted in the Instructions prepared particularly for the Province of Maryland, the same is to be left out in the Instructions to be prepared for the rest of His Majesty's Plantation's As are also the 8th and 9th Articles for the same reason.

6. Whereas by the aforesaid Act of Trade made in the 15th year of His late Majesty's reign and his said Majesty's Proclamation pursuant thereunto of the 24th of November in the 27th year of His reign, no Commodities of the growth, production or manufacture of Europe (except salt for the fishery of New England & Newfoundland, Wines of the growth of the Maderas or Western Islands or Azores, Servants or Horses from Scotland or Ireland, and all sorts of victuall of the growth and production of Scotland and Ireland shall be imported into any of His Majesty's Colonies or Plantations, but what shall be bonâ fide and without fraud laden & shipped in England, Wales, or Berwick, and in ships duly qualified, you are to use your utmost endeavors for the due observance thereof, and if contrary hereunto any ship or vessell shall import into Maryland any Commodities of the growth production or manufacture of Europe (but what are before excepted) of which due proof shall not be made that the same were shipt or laden in some Port of England, Wales or Berwick, by producing Cocquetts or Certificates under the hands and seals of the Officers of the Customs in such Port or Place where the same were laden, such shipp or vessell and Goods are forfeited, and you are to give in charge that the same be seized and prosecuted accordingly; And in order to prevent the acceptance of forged Cocquetts (which have been practised to our great prejudice) you are to give effectual orders that for all such Euro-

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pean goods as by the said Act and Proclamation are to be shipt in England, Wales or Berwick, Cocquetts for the same in England, Wales or Berwick be produced to the said Collector of the Customes in Maryland, or to his Deputy there for the time being before the unlading thereof: And you are likewise directed to give order that no European Goods be landed but by warrant from the said Collector or his deputy in the presence of an Officer appointed by him, and for the better prevention of frauds of this kind you are to take care that according to the said Act of Trade no ship or vessell do lade or unlade any goods or Commodities whatsoever until the Master or Commander thereof shall first make known to you or such Officer or other Person as shall be by you thereunto authorized and appointed the arrival of the said ship or vessell with her name, and the name and surname of her master, and hath shewn that she is a ship duly navigated and otherwise qualified according to law, and hath delivered you or such other Person a true & perfect Inventory of her lading together with the place or places in which the said Goods were laden and taken into the said ship or vessell under forfeiture of such ship and goods, you are likewise to cause effectually orders to be given that all masters of ships not trading coastwise from one part of Maryland to another do enter their ships with the Collector of our Customes in the said Province or his Deputy for the time being as well as with the Naval Officer and also give in their contents upon oath to the said Collector or his deputy.

7. And Whereas we have been informed that several ships and vessells have carried great quantities of the enumerated Plantation goods from our Colonies and Plantations to Holland, Hamburg and other places without first landing the same in England (as the law in that case hath provided) to the great prejudice of our Customs and the Trade and Navigation of this kingdom For preventing the like frauds for the future you are every year or oftener as there shall be occasion to send a list of all such ships or vessells as shall lade any of the enumerated Plantation Commodities within our Province of Maryland, or import any European goods (according to the form herewith delivered unto you) to the Commissioners of our Customes in England for the time being at the Custom House London.

Mem: This Article is inserted in the Instructions for Maryland only.

8. Whereas we have been informed that a considerable number of bonds taken in our Province of Maryland from Masters of ships trading thither in pursuance of the Act of Navigation, and that counterfeit certificates of landing the Plantation Commodities in England have been produced in discharge of some of the said bonds tho' the said Commodities were carryed directly to other parts than England, Wales or Berwick, as also fictitious Certificates of bonds pretended to be given in

England, Wales or Berwick, when no such bonds have been there really given: And moreover that several forged and counterfeit Cocquetts alledged to be granted in England have been accepted in Maryland, by colour whereof great quantities of European goods have been there past as coming directly from England, Wales or Berwick, when as in truth the said goods were shipt and laden elsewhere to the manifest Prejudice of our Customs and the Trade and Navigation of this Kingdom, you are therefore to cause a list of all the bonds taken and that shall be taken in Maryland between Michelmas 1679. and Michelmas 1685. next coming to be forthwith transmitted to the Comm^{rs} of our Customes in England for the time being, therein distinguishing which of the said bonds are discharged, and which of them remain uncleared. You are also to cause to be transmitted to the said Comm^{rs} all the original Certificates which have been produced in Maryland during that time from the several Custom Houses of England, Wales or Berwick for the discharge of bonds given in Maryland, and also the original certificates of bonds given or pretended to be given in the several Ports of this kingdom, together with all the originall Cocketts which have been produced for European goods shipt or pretended to be shipt in the said Ports, keeping abstracted lists or accompts thereof, and taking a receipt from the Person to whom the same are delivered.

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Mem: This Article is inserted in the Instructions for Maryland only.

9. And Whereas for the better collection of the several rates and duties imposed by the said Act of the 25th year of His late Majesty's reign That whole business is to be ordered and managed and the several duties thereby imposed are to be caused to be levied, by the Commissioners of our Customs in England for the time being by and under the Authority and direction of the Lord Treasurer of England or Comm^{rs} of our Treasury for the time being, you are forthwith to require and command such of your Officers as have taken upon them the collection of the said rates and duties to cease any further to act therein, and to render to the Comm^{rs} an Accompt of their receipts & payments since the death of the late Collector together with an account of their seizures and other proceedings And you are to give in charge that they do not hereafter presume to collect our duties or otherwise to concern themselves therein without the special appointment and directions of the said Commissioners and both you and they and all others concerned are hereby required to be aiding and assisting to the Collector and other Officers appointed or that shall hereafter be appointed by the s^d Comm^{rs} by and under the authority and direction of the Lord High Treasurer of England or Comm^{rs} of the Treasury for the time being in putting in execution the several Acts of Parliament before mentioned together

P. R. O. with such orders and Instructions as they have or shall from
Colonial time to time receive from the said Comm^{rs} Given at our
Entry Book. Court at Windsor the 10th day of August 1685. in the first year
of our reign.

By His Majesty's Command
Sunderland.

P. R. O.
Colonial
Papers.

To the Lords of Plantation
the humble Petition of
Will^m Penn.

Sheweth,

That your Petitioner have long waited the decision of the
difference depending before you between the Lord Baltimore
and your Petitioner about a Tract of Land in America, he re-
ceived of the present King when Duke.

He humbly prays for a short day for the hearing and issuing
the said difference, and if the Lords please, that it may be this
day se'night.

And your Petitioner shall pray etc.

Petition of Will^m Penn.
Read 18th August 1685.

To the King's Majesty
The Petition of Will^m Penn, with all
humility.

Sheweth,

That his Petitioner hath long waited to his great detriment,
the decision of the matters in difference between the Lord
Baltimore and himselfe, under the King's name and gracious
protection about the bounds of the Lands which he received
from the King when Duke, and though he has been referred
to the issue of the Quo-warranto upon the L^d Baltimore's
Patent, yet since this stay is of the greatest prejudice to his
Majesty's Province and a ruin to his Petitioner, and his family,
as he is ready to evince, and that it is about a Title of Land
and not of Powr, and so not the Question the Quo-warranto
goes upon, for that dispute would remain tho' the King's suit
about Powr, were issued.

His Pet^r most humbly prays his Case may be recommended
to the Lords of Plantations, and a short day sett to hear and
determine the business, and his Pet^r shall

Ever heartily pray

W^m Penn.

Petition of M^r Penn.
Rec^d from the Earl of Midleton
18th August 1685.
Read the same day.

Extract of a letter from my Lord Effingham dated in Virginia the 20 of March 1684/5 concerning Coll: Talbots escape.

P. R. O.
Colonial
Entry Book,
Vol. 52.
p. 104

I am sorry to send you the News by these that Coll: Talbot hath escaped out of Prison Ours are so weak here that I rather wonder he was kept so long, he had a guard of two men every night and one in the day, besides he was sufficiently ironed but he corrupted his Guards and others Persons in the house and those that were assisting to his escape I had had under examination and found great suspision tho' no positive proof against them, but so much that I committed them to Prison, from whence they are since likewise escaped. I immediately sent advice of it to Maryland to let them know it was their duty as well as mine to retake Him because the King's Pleasure was not yet known, where he should be tried, And that such a murtherer might not escape, condign Punishment.

Whereupon a Clause was inserted in My Lord Effingham's Instructions dated the 30th August 1685 as followeth

Whereas wee have been given to understand that George Talbot, after having committed a barbarous Murther on the body of Christopher Rousby Collector of our customs in Maryland hath made his Escape into that Province and continues there, Wee do hereby strictly charge and direct you to demand the said Talbot in our name to be returned as our Prisoner into your hands in what condition soever he be, whether before or after any pretended Tryall or Acquittall of him in Maryland Wee having given directions for a speciall Commission of Oyer and Terminer to be prepared and transmitted unto you for his due and legall Tryall in Virginia for the Fact whereof he stands accused.

Wednesday 26th August 1685.

p. 183

The Lord Baltemore and M^r Penn attending upon the differences between them touching Boundaries and Title of Soil in America are called in And their Lord^{sh} appoint to hear this business on Wednesday the 2^d of the next month when both parties agreed to attend without Counsel.

Wednesday 2nd September 1685.

p. 188

The Lord Baltemore and William Penn Esq. attending this day according to order upon the difference between them concerning Boundaries of Land and Title of soil in America And M^r Penn having produced divers proofs to make out that the Country of Delaware was inhabited by the Swedes and Dutch

P. R. O. before the date of the Lord Baltimore's Patent, It is thought
Colonial fit that copies be given to the Lord Baltimore of the said evi-
Entry Book, dences and proofs that his Lordship may be prepared to make
Vol. 52. his defence before the 30th of this instant September on which
day their Lordships resolve to take this matter again into con-
sideration.

p. 198 Thursday 8th October 1685.

My Lord Baltimore and M^r Penn attending are called in and both parties being heard my Lord Baltimore gives their Lord^{ps} an account That in the year 1642 one Ployden sailed up Delaware River and did not see any house there at that time as is affirmed by a deposition produced by M^r Penn and the copy of a Report of the Comm^{rs} of Foreign Plantations on 4th April 1638 touching the differences between the Lord Baltimore and M^r Cleybourne about the Isle of Kent is offered by my Lord showing their opinion touching the Lord Baltimore's right to the Isle of Kent: After which the deposition of M^r Van Sweeringen concerning the seating Delaware Bay and River to the Southward of the 40th degree Northern Latitude by the Dutch & Swedes read. Whereupon their Lordships think fit that my Lord Baltimore procure an attested copy of the forementioned Reports against Thursday next when their Lord^{ps} will take this matter into further consideration

p. 207 Saturday 17th October 1685.

My Lord Baltimore and M^r Penn are called in and my Lord Baltimore having undertaken to procure an authentic Copy of a Report made by the Com^{rs} for Foreign Plantations on the 4th April 1638 touching the differences between my Lord Baltimore's predecessors and Wm. Clayborn about the Isle of Kent my Lord Baltimore declares that he cannot find the original whereby an attested copy may be procured, their Lord^{ps} agree to report their opinions that the Tract of Land now in dispute does not belong to my Lord Baltimore but in as much as it yet remains doubtful what are the true Boundaries of the land called Delaware which their Lord^{ps} now adjudge to belong to His Maj^{ty} their Lordships will meet again for the settlement of those Boundaries between His Majesty and the Lord Baltimore at which time his Lordship and M^r Penn are to give their attendance and to come prepared for a final decision therein.

p. 211 Saturday 31st October 1685.

My Lord Baltimore and M^r Penn attending are called in

and their Lord^{ps} taking into consideration what might be the proper Boundaries of the Country of Delaware now in question it is proposed that the whole Peninsula or tract of land called Delaware from East to West as far as Cape Hinlopen Southward may be divided into two equal parts between His Majesty and my Lord Baltimore Whereupon his Lord^p demanding further time to consider of this Proposal the Committee allow him a week longer to offer his objections.

P. R. O.
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Saturday 7th November 1685.

p. 225

My Lord Baltimore & M^r Penn attending concerning the Boundaries of the Country of Delaware are called in and being heard their Lord^{ps} resolve to report their opinion to His Majesty that for avoiding further differences the Tract of land lying between the river and bay of Delaware and the Eastern Sea on the one side and Chesapeak Bay on the other be divided into two equal parts by a line from the Latitude of Cape Henlopen to the 40th degree of Northern Latitude and that one half thereof lying towards the Bay of Delaware and the Eastern Sea be adjusted to belong to His Majesty and that the other half remain to the Lord Baltimore as comprised within his Charter.

At the Court at Whitehall 13th November 1685.

p. 107

Present

The King's most Excellent Majesty in Council The following report from the Right Honorable the Lords of the Committee for Trade and foreign Plantations being this day read at the Board.

Mem^d

The Lords of the Committee for Trade and Plantations having pursuant to His late Majesty's Order in Council of the 31. of May 1683 examined the Matters in Difference between the Lord Baltimore and William Penn Esq^{re} in behalf of his present Majesty concerning a Tract of Land in America commonly called Delaware, their Lordships find that the Land intended to be granted by the Lord Baltimore's Patent was only Land uncultivated and inhabited by savages, and that this Tract of Land now in dispute was inhabited and planted by Christians at and before the Date of the Lord Baltimore's Patent as it hath been ever since to this time and continued as a distinct colony from that of Maryland, so that their Lordships humbly offer their opinion that for avoyding further differences the Tract of Land lying between the River and Bay of Delaware and the Eastern Sea on the one side and Chesapeak Bay on the other, be divided into two equall parts by a line from the

P. R. O. latitude of Cape hinlopen to the 40th degree of Northern lati-
Colonial tude and that one half thereof lying towards the Bay of Dela-
Entry Book, ware & the Eastern sea be adjudged to belong to his Majesty
Vol. 52. & that the other half remain to the Lord Baltimore as com-
prized within his Charter.

Councill Chamber
7. November 1685.

His Majesty well approving of the said Report It was there-
upon ordered by His Majesty in Councill that the said Land
be forthwith divided accordingly, whereof the said Lord Balte-
more and William Penn together with their respective Officers,
and all others whom it may concern are to take notice and
give due and ready obedience thereunto.

P. R. O. Extract of Papers transmitted by the Lord Baltimore
Colonial Prop^r of Maryland: Relating to the Boundarys of Mary-
Papers. land Pennsylvania & New Castle.

That the Lord Baltimore on the 27th June 1682 had found
the latitude of New Castle to be 39^d 40 odd minutes.

That observation being taken by the Lord Baltimore and
M^r Pen's Agents, they all agreed that the latitude of Upland
was by the sextil of Coll. Morrice, in 39^d 97^m & 5^s whereupon
the Lord Baltimore told them that since the degree of N. Lat:
would be about 12 miles more due N. from Upland it would
be necessary to go up Delaware River to where 40^d did cutt
the River.

That New Castle has been justly claimed by the present
Lord Baltimore & his father. That M^r Pen had been
assured that the degree of 40. N. Lat: would fall lower than
Sassafras River in Chesopeak Bay. That the Lords of the
Council were assured that New Castle Bay lay 7. 8. or 10.
miles to the Northward of the 40th degr. but that the Chief
of the Quakers have since owned that New Castle lies some miles
to the Southward of the 40th degr.

P. R. O. Report touching the prosecuting of the Quo Warranto's in
Colonial the Plantations.
Entry Book,
Vol. 52.
p. 109 Mem^d

My Lord President is desired by the Right Hon^{ble} the Lords
of the Committee for Trade and Plantations to move his
Majesty that Directions may be given to M^r Attorney Gen-
erall that the prosecution of severall writs of Quo War-
ranto against the Propriety of the Province of Maryland and
against the Colonies of Conecticut and Rhode Island and the

Proprieties of East and West New Iersey and of Delaware in America may be renewed and that the same may be prosecuted to effect.

P. R. O.
Colonial
Entry Book,
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Councill Chamber
21 Aprill 1686.

Maryland ss:

At a Councill held at the City of St Maries the 28th Day of April in the Eleaventh yeare of the Dominion of the R^t hon^{ble} Charles &^{ca} over this Province Anno Dmi. 1686:

Liber B.
P. R. O.
P. 1

Present

| | | | |
|------------------------|---|---|---|
| The hon ^{ble} | { | Vincent Lowe Esq ^r Surv ^r Gen ^{ll} | } |
| | | Coll Henry Darnall Treasurer | |
| | | Coll William Digges Secry. | |
| | | Coll William Burges | |
| | | Maj ^r Nicholas Sewall Secry. | |
| | | Coll Edward Pye | |
| | | M ^r Clement Hill | |

Was then produced and read this foll. Letter (viz^a)

Ld Proprys Lettr
to the Govern^{rs}
conc: the
difference
betweene
him & Penn,
concerning
the bounds
of his Province

Gentⁿ

The difference betwixt Penn and me about Delaware haveing been heard by the Lords of the Comittee &^{ca} they made their Report, which being approved off by the King in Councill, An ord^r thereupon was immediately made that the lands betwixt Delaware and the Bay of Chesepeake from Cape Henlopin to the Degree of fourty Northerly latitude shall be equally divided, The lands on Delaware side being adjudged to the King, and those on Chesepeake to remaine as comprized within my charter; This ord^r of Councill was past unknowne to me, I haveing not had any Summons or the least Notice given me to be heard any further in that affaire, which seemed very strange to severall p^{rs}ons as well as to myself; But I hope that ere it be long, I shall be able to obtaine of his Maj^{tie} that at least noe more land may be taken from my Charter, then what is actually cultivated on Delaware; ffor it was once the opinion and (as I was very well assured) the Resolution also of severall of the Lords of the Comittee that what of those lands were uninhabited should still remaine within and belong to my grant; But it was afterward carried by some few against the rest of the board, soe that I must have patience for a little time, noe wise doubting but to find some way to informe his Maj^{tie} of the prejudice done me by this ord^r In the meane time I desire and hereby ord^r you to take care to prevent Penns people from making any settlem^{ts}

Liber B. neere heads and branches of any of the Rivers that fall into
P. R. O. Chesepeake Bay, and to encourage the Inhabitants of my
p. 2 Province that have already surveyed Lands in those parts to
seate them in my right as soon as they cann, and p'ticularly to
take care the Penn-Sylvanians make noe further Incroachm^{ts} on
the Lands where Coll George Talbott was seated, and to secure
the fort neere Christina Bridge, untill you heare further from
me, being resolved notwithstanding this ord^r to keepe posses-
sion of what is surveyed, and to be on the defensive part,
rather than be forced to complaine; Lett me therefore desire
you to be carefull that our Neighbours brake not in upon the
heads and branches of my Rivers on the Eastern side, and then
I shall in a little time, contrive it so that the Division which is
ordered to be made shall be no great prejudice to me nor my
Country. This is what I very earnestly recommend to your
care and Kindness, untill it be my good fortune to see you,
which I hope will not be long, and soe I rest,

Y^r very Loving ffriend

London Decemb. the first 1685.

C. Baltemore.

ffor Coll Thomas Tailler, Coll Vincent Lowe,
Coll Henry Darnall, Coll W^m Digges, Major
Nicholas Sewall, and for the rest of the Dep^{ty}
Govern^{rs} of: Maryland

Inclosed wherein was as foll.

At the Court of Whitehall this 13th day
of Novemb: 1685:—

By the Kings most Excellent Maj^{tie} and the Lords of his
Maj^{ties} most hon^{ble} Privy Councill

The following Report from the R^t hon^{ble} the Lords of the
Com^{tee} for Trade and fforreigne plantations being this day
read at the board—

Lords of the
committee for
Trade &c. Report
concerning the
lands in dispute
betweene the
Ld Baltemore &
W^m Penn Esq^r

The Lords of the Committee for trade and
Plantations having pursuant to his late Maj^{ties}
ord^r in Councill of the 31st of May 1683, ex-
amined the matters in difference between the
Lord Baltemore and William Penn Esq^r in
behalf of his p^rsent Maj^{tie} concerning a tract of
land in America, commonly called Delaware Their L^{ds} find that
the Land intended to be granted by the Lord Baltemores
Pattent was only land uncultivated and Inhabited by Savages;
And that this tract of Land now in dispute was Inhabited and
planted by Christians at or before the date of the Lord Balte-
mores Pattent, as it hath been ever since to this time, and con-
tinued as a distinct Collony from that of Maryland. Soe that
their L^{ds} humbly offer their opinion that for avoyding further

differences, the tract of land lyeing between the River and Bay of Delaware, and the Easterne Sea on one side and Chesepeake Bay on the other, be divided into equall parts, by a line from the latitude of Cape Henlopen to the ffourtieth degree of Northern Latitude, and that one half thereof lyeing towards the Bay of Delaware, and the Eastern Sea be adjudged to belong to his Maj^{tie} and that the other half remains to the Lord Baltemore as comprized within his Charter

Division
between the
Ld. Balt. & Penn.

Liber B.
P. R. O.
p. 3

Council Chamber

7th Novemb: 1685

King & Council
approb^d &
Order therein

His Maj^{tie} well approoveing of the said Report It was thereupon Ordered by his Maj^{tie} in Council that the said Lands be forthwith divided accordingly. Whereof the said Lord Baltemore and William Penn Esq^{re} together with their respective Officers, and all others whom it may Concern, are to take notice and give due and ready obedience thereunto.

Taken into consideration the foregoeing Lett^r from his Lsp: and it being also reported that some attempts had been lately made by the Pensylvanians upon the ffrontires, Resolved that care be taken to obstruct the same by especiall ord^r from this board to the Chief Military Officers in those parts w^{ch} was done in manner foll. viz^t

Maryld Sc:

By the Councill Ap^l 28th 1686:

Councils ord^r
to the military
officers to pre-
vent Incroach-
m^{ts} on the
ffrontires

Whereas Information is given that several attempts have been made, pursued, and are yett further designed by several p^{sons} fforreign^{rs} and Strangers to Incroach upon this his L^{sp}s Province and to seate and settle at the heads of the Rivers, and other ffrontire parts thereof, without any lycense or authority to them granted from his said L^{sp} or other lawfull power derived from him; And Whereas you have formerly been required by vertue of an ord^r from this board to defend and maintaine the right and claims of his Lsp: from any such Incroachm^{ts} attempts or designs aforesaid within your precincts; It is thought fitt and hereby ordered that you diligently and carefully follow pursue observe and execute the said ord^r of this board, according to your best skill, power & Knowledge, and pursuant to the Commission and Instructions to y^u formerly granted, whereof faile not as you will answer the contrary at y^r perill.

Signed p ord^r I LLeuellin Cl. Consil.

To Cap^t Philim Murry Command^r of the
ffort at Christina Bridge.

present unto your Hon^{rs} M^r William Harris and M^r Symon Willmer as fitt persons to serve his Lordship and Countrey, all which wee leave to your Hon^{rs} consideration to doe therein as shall by you be thought most convenient for the good of his Lordship and people of his said County, and crave leave to be your Hon^{rs} most faithfull servants.

To his Lo^{ps} hon^{ble} Councill Signed by order of said Court
humbly Present Elias King Clk. Com: Kent.
S^t Maries

Philip Connor Ordered that the Attorney Generall send forth
to be prosecuted. process against Philip Connor for refusing to
New Comⁿ for sweare; and that new Commissions for the peace,
Kent County. tryall of causes and dedimus potestat issue for
Kent County leaving out the said Connor, and adding thereto
William Harris and Symon Willmer.

Came M^r Paul Bertrand Minister and produced the follow-
ing letter which was ordered to be read viz.

London 9^o December 1685.

Ld Proprys Gent^m
Letter to Coun- This gentleman M^r Paul Bertrand has been
cill in fav^r of recommended to me by my Lord of London, as a
Mr Paul fitt person for Maryland, and though he be a French
Bertrand. man, he has the English language soe well, that he may be
very serviceable to the Protestants in the execution of his func-
tion, wherefore I desire you will be kind to him, and give him
all due encouragement and the rather in regard he is recom-
mended by my Lord of London. You are likewise to procure
him possession of the plantation and a negro at the head of
Pottuxen River, which was given by Peter Archer for the use
of Ministers, and I desire that Coll. Darnall doe procure him a
horse out of the wild gang, which I have promised shall be
done, and soe I rest

For Coll. Tho. Taillor, Coll Vincent Your loving Friend
Lowe, Coll. Henry Darnall, Coll C. Baltemore .
W^m Digges and to the rest of the
Dep^{ty} Governours of Maryland.

Michael M^r Michael Taney Affirming that he had a
Taney Lett^r Letter of Attorney from the heires of Peter Archer
Att. from well and sufficiently proved, and that by virtue
Peter Archer's thereof he had made sale of the said Archer's
Heires. estate This board could take noe further cognizance of it, any
more then to desire the purchaser to relinquish his claim with
restitution of his money by M^r Taney, and to let the said p. 6
Bertrand possess the same, till further care be taken therein.

Liber B. Ann Arrundell County
P. R. O. Commissrs

Ordered that new Commissions for the peace and tryall of Causes in Ann Arrundell County issue to

| | | |
|------------------------------------|---|----------|
| Capt. Rich ^d Hill | } | Quorum |
| Maj: Nich ^o Gassaway | | |
| Capt: Edward Burges | | |
| Capt: Edward Dorsey | | |
| M ^r Henry Ridgely | } | Justices |
| M ^r Richard Beard | | |
| M ^r John Sollers | | |
| M ^r Henry Constable | | |
| M ^r John Hammond | | |
| M ^r Thomas Tench | | |
| Capt. Nich ^o Greenebury | | |
| M ^r Thomas Knighton | } | |
| M ^r James Ellis | | |

Ann: Arr: Co: Corr Thomas Knighton to be alsoe Corroner.

St Maries County Comission Ordered alsoe that new Comissions issue for St Maries County to the persons formerly inserted placing M^r Richard Gardiner in the quorum, and in the place he was before M^r Doynes Sheriffaldry adding alsoe to the Comission M^r Kenelm Cheseldine, M^r Rich. Gardiner and M^r William Langworth.

At a Councill held at the City of St Maries the fourth day of May Anno. Dom: 1686.

Present

| | | |
|------------------------|---|----------------------------------|
| The hon ^{ble} | { | Coll. Vincent Lowe |
| | | Coll. William Digges |
| | | Maj ^r Nicholas Sewall |
| | | M ^r Clement Hill |

To the Hon^{ble} his Lordships privy Council

The humble petition of John Ryley and Justinian Tannisson the sonn of John Tannisson late of St Maries County deceased. Sheweth,

John Kyley } pet:
Just. Tannisson }

That your Petitioners becomeing bound before his Lord^{ps} Justices of St Maries County Court for one David Darnall his good behaviour and appearance there at the next County Court, as alsoe to have and keepe harmless and indemified the s^d County and Inhabitants thereof, from any charge that might be brought by the said Darnall, and his supposed and pretended wife and children, the said Darnall did (before he made his appearance, as he and your Pet^{rs} with him were by their Recognizance obliged)

together with his said pretended wife and children quitt and depart this province, leaving no charge or incumbrance behind upon the County, onely your Pet^{rs} bond, which was by the said Court estreated to be leavyed upon your Pet^{rs} their persons or estates, Now soe it is, may it please your Hon^{rs} that your Pet^{rs} being very poor and indigent, as alsoe ignorant of any obligation upon them for the said Darnall's appearance at the next Court, but thinking onely that they were bound to indemnifie the County from any charge to be brought upon them by the said Darnall they have in that part fully complied with the true intent of their said obligation, onely stand charged for the non appearance of the said Darnall as before is intimated, but noe breach of the good behaviour can be alledged against him before his departure.

Liber B.
P. R. O.

Wherefore your Pet^{rs} humbly move your Hon^{rs} tender commiseration of their condition and to order that the said Bond or Recognizance entred into by your Pet^{rs} may be called in, and your Pet^{rs} wholly acquitt thereof

And shall pray &c.

Which petition was granted and the foll. order thereupon passed viz:

By the Council May 4th 1686

John Ryley }
and } recognoe
Just. Tennison } dischargd

Upon the humble supplication of John Ryley and Justinian Tennison sonn of John Tennison late of St Maries County deceased and for the reasons and allegations by them sett forth, and appeareing to this board, It is thought fitt, resolved and ordeined that the bond or Recognizance by them entred into before the worsh^l the Comm^{rs} of St Maries County Court for the good behaviour and appearance of one David Darnall, be called in, and the said Ryley and Tennison thereof fully discharged and acquitted.

Signed p order

John Llewellyn Cl. Consil.

Henry Staples
appearance
vid. lib R. R. R.
fo: 309.

Came Henry Staples and made his appearance according to an order of this board of the 3^d of March last past to the Sheriff of Kent County to have him here to answer unto the complaint of Abraham Gale, and his contempt to a former order obtained at the suite of the said Gale.

Abr. Gale
app^r

The said Gale alsoe appeared, and affirmed what before he had alleged against the said Staples in his petition to this board the said 3^d day of March last past.

Henry Staples
plea.

The said Staples for plea saith that true it is the said Gale did one Sunday morning come to his house, and produced an order of Councill as he pretended for the delivery of his the said Gale's child, which he the said Staples refused to looke on alledging that it was nott then a fitt time

Liber B.
P. R. O. for him to be served with any such thing but desired him the said Gale to give him a meeting on Tuesday following at the choosing of Burgesses and then he would see the order and further discourse of it, which was all that passed between them thereupon and he hopes it will not be deemed any contempt in him to an order of this hon^{ble} board, and for refusing to comply with the order passed against him in Talbot County Court (as the said Gale had falsely suggested) he is altogether ignorant of any such order neither (he is confident) did ever any order pass against him in the said County Court, upon the difference between them.

Both parties being heard, and it not appearing to this Board that any order had passed in Talbot County Court in that behalf as was ordered by this board, but that the same for reasons best known to the Com^{rs} had been waved and nothing therein done, it is the opinion of this board that the said Staples had not been anywise contemptuous and therefore it is thought fitt that he be dismissed with his costs according to the following order thereupon passed viz:

Maryland ss.

By the Councill May the 4th 1686.

Henry Staples } dismissed
ag^t } with
Abr: Gale } Costs.

Upon the complaint of Abraham Gale of Somersett County chyrurgion against Henry Staples of Kent County chyrurgion formerly exhibited to this board Both parties being this day heard, and their allegations; it was considered and ordered by this board that the said Staples be dismissed with his costs in that behalf expended to be recovered against the said Gale.

Signed p order

J. Lewellin Cl Consil.

Swithin
Wells ap-
pearance.

p. 9 Came Swithin Wells of Cæcill County and presented himself to this board humbly supplicating their Hon^{rs} grace and favour towards him in order to discharge him and his bayle from their recognizance taken in the Provinciaall Court, for that he had been afflicted with sickness and could not make his appearance according to his obligation and duty, but further humbly offers and moves to their Hon^{rs} that he had already made his submission in the County Court to those persons whom he had particularly affronted in his drink which had been there accepted off, that now he prostrates himself to this board humbly acknowledging his errors and prays their Hon^{rs} to accept of his present submission and sincere hearty promises of future amendment and good behaviour.

dismissed
with his
bayle.

The same was accordingly accepted off, and thereupon it was considered and ordered by the board that the said Wells with his bayle be dismissed and discharged of their recognizance taken in the Provinciaall Court.

Memd^m

Liber B.
P. R. O.

Came George Parker gentleman one of the Attorneys of the Provincia^l Court and presented to the board this following petition (viz.)

To the R^t hon^{ble} Charles absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c.

The humble petition of Henry Bray citizen and glazier of London

Most humbly sheweth,

Henry Bray's^e petition. That Nicholas Painter of Ann Arrundell County in the Province aforesaid being possessed of a certain plantation in the said County with a very considerable stock of Tobaccoes, Negroes, household goods and other goods and commodityes thereon being, and of several debts amounting in all to a very considerable value, and alsoe being seized off and in severall parcells of land lyeing in divers Counties in the Province aforesaid, did in or about the moneth of Aprill 1684. transport himself to London That the said Nicholas Painter at his departure from Maryland constituted Coll. William Burgess his Attorney, and entrusted him with his s^d estate. That on the eighth of September 1684. the said Nicholas Painter made his last will and Testament in London and thereof appointed your Ld^{ps} Petitioner (his neere relation sole executor and in a few daies after imbarqued himself for Maryland, and immediately after his arrivall there dyed. That the said Nicholas Painter dureing his continuance at London became indebted to your Petitioner a considerable summe of money upon Bond, and alsoe to divers other persons severall greate summes of money, That the said Coll. Burges (without any lawfull authority) not only deteines the goods and Estate of the said Nicholas Painter which wee comitted to him as aforesaid, but hath alsoe possessed himself of 15. able servants, and a considerable quantity of goods and merchandizes, which the said Painter transported with him and likewise of a parcell of goods belonging to your Petitioner. And forasmuch as the said Coll. Burges hath taken upon him to appraise the said Estate, servants and goods, and much undervalued the same by which indirect meanes not only your Petitioner (who is the true Executor) is likely to be defrauded of his right and interest to the Estate of the said Painter but also he and all other the Creditors of the said Painter are in greate danger of loseing their just debts. p. 10

Your Petitioner therefore most humbly implores your Lordship to be pleased to take the premises into consideration and to grant him your Lord^{ps} Letter directed to your Council in

Liber B. Maryland whereby he hopes the aggrivances will be redressed
P. R. O. and justice be speedily executed

And your Petitioner shall ever pray &c.

Together with the aforegoing Petition was alsoe produced the following Letter from his Lords^r in favour of said Bray, viz:

Gentlemen,

Lord Bal-
temore's Let:
to the Councill
in favr of
Henry Bray.

Henry Bray citizen of London hath petitioned me and therein sett forth that Nicholas Painter of Ann Arrundell County was possessed of a certain plantation there with a considerable stock of Tobaccoes, Negroes, household goods &c. to considerable value, and about the moneth of Aprill 1684. he transported himself to London, and that the said Painter constituted Coll. Burges his Attorney, to manage the said Estate, that the said Painter made his last will, and appointed the said Bray his sole executor and dyed soone after his arrivall in Maryland being much indebted to the Petitioner and others, as is alledged, and that Coll. Burges deteines all the said Painters estate, therefore I doe at the request of the said Henry Bray desire that you will give him or such agent or agents as he shall imploy your advice and assistance in order to his recovering his just debt due from the said Painter out of the stock and Estate which he left in Coll. Burges his hands, which I expect you will not faile to doe according to justice and to the desire of

Your loving Friend

London 17th Nov^r 1685.

C. Baltemore

p. 11 These for Thomas Tailler
Coll. Vincent Lowe, Coll. Henry Darnall
Coll W^m Digges and the rest of the Depu^{ys}
Governours of Maryland.

M^r George Parker Attorney for the Pet^r humbly mooves the board and prays at present only that the said Coll. Burges may be required to make up his Acc^t of the said Painters Estate before the Com^{rys} that he may have copy thereof to send home to the Petitioner.

Coll. Burges
ordered to
perfect his
Acc^t of Painter's
Estate.

Ordered that the said Coll. William Burges doe by the 14th of this instant May at furthest perfect his Account of the said Painters Estate before the Com^{issaryes}, and that copy thereof be delivered to the said Painter as is prayed.

Produced and read this foll: Letter from his Lordship viz.

Gentlemen,

Lord Baltimore's
Let: to Councill

I have been desired by my Lord Bishop of Ely to recommend unto you one M^r Willymot who

in favr Mr
Willymot.

Liber B.
P. R. O.

lives in the Freshes of Pottomock River in my Province of Maryland from whom you will receive this, he is a person for whom his Lordship hath a good esteeme and as I understand very much wisheth his welfare in all his proceedings, wherefore and in compliance with his Lps: desire I hereby recommend unto you the said M^r Willymot and doe expect that you will upon all occasions favour and countenance him in all things which may reasonably tend to his benefitt and advantage, which I hope he will deserve very well, and likewise be an occasion for him in future time to acknowledge unto my Lord of Ely the respect and advantage he hath gained by this Recommendation from

Your loving Friend

C. Baltemore.

London 15th Sept: 1685

For Coll. Thomas Taillor
Coll Vincent Lowe, Coll Henry Darnall
Coll W^m Digges and to the rest of the
Deputy Govern^{rs} of Maryland.

Councill's .
declarn
in behalf
of Mr Willy-
mot.

Their Hon^{rs} doe declare their ready compliance to his Lordship's Commands and will upon all occasions that shall present Afford the said Willymot what favour and countenance they reasonably and legally cann in all things tending to his benefitt and advantage.

To the Hon^{ble} his Lordship's Councill

p. 12

The humble Petition of Nicholas Butterham Guardian to Henry Bussey an Infant, sonn and heire of George Bussey deceased.

Sheweth,

Nicholas But-
terham pet:
in behalf of
Henry Bussey.

That your Petitioner the 3^d day of Aprill 1684: upon his humble address to his Lords^p and Councill did favourably obtaine an order to superseede a certain judgement obtained against him by one George Carter before the hon^{ble} the Justices of the Provinciaall Court in an action of ejectment for the reasons and suggestions then sett forth in his Petition, and that the same upon the meritts of the cause should by virtue of his Lordship's writt of Error be brought to a rehearing before his Lord^p and upper house of Assembly at the then next Generall Assembly to be holden for this Province as by the said Petition and order hereunto annexed doth and may appeare, that the said Assembly is since dissolved and your Petitioner's writt of Error thereupon fallen of course He therefore humbly prays your Hon^{rs} favourably to grant that supersedeas may afresh issue upon the Judgement aforesaid, and his Lo^{ps} writt of Error and scire

Liber B. facias, to have the same before his Lo^p and upper house, at the
P. R. O. next Generall Assembly to be holden for this Province,

And shall pray &c.

Order for writt of Error &c. Ordered that the Petitioner giving good security before either of the Secretaries may have supersedeas, writt of Error and Sci: fa: granted him as he hath prayed.

To the hon^{ble} his Lordship's Councill

The humble Petition of John Woodward of Dorchester County

Sheweth,

John Woodward's pet: That your Petitioner the 2^d day of December 1684: graciously obtained your Hon^{rs} order for writt of Error Sci: fa: and supersedeas upon a judgement obtained against him at the Provinciaall Court by W^m Crabb Esq. and S^r Richard Crump Kn^t p^{ts} That the generall Assembly before whom the same was to be brought is since dissolved
p. 13 and your Pet^{rs} writt of Error and other proceedings therein fallen of course, he humbly prays the same may by virtue of a new writt of Error sci: fa: and supersedeas against the Judgement aforesaid be brought before his Lo^p and upper house of Assembly at the next Generall Assembly to be holden for this Province, he being ready and willing to give good security as the law requires.

And shall pray &c.

John Woodward's order for writt of Error ag^t Crabb and Crump. Ordered that the Petitioner giving good security before the hon^{ble} the Secretaries or either of them may have supersed: writt of Error and Sci: fa: as is prayed.

Produced and read this foll: Letter from Philim Murry viz:

April 2^d 1686.

Hon^{red} Sir,

Philim Murry's Let: to Coll Darnall cor: Xtina Fort &c. Though I have undergone severall inconveniencies at the Fort, I desire not to be discharged from anything wherein I may become serviceable to his Lordship or you, yet I must acquaint your Hon^r that two of the men that hitherto lived with me at the Fort dyed, and the other two are agoeing home, and I can light of noe others that I dare trust the place to, unless I am there myself constantly and that I cannot whilst I must runn up and downe for provisions, as the bearer may informe your Hon^r Robert Kemble had taken up a wild horse for which if your Hon^r will be pleased to grant me an order I shall be lyable to pay what your Hon^r will demand in reason, Sir, I heare of some men in Sassafrax who by virtue of his Lordship's war-

rant (after building there) would have lived between the head of Sassafrax and the lower Counties, if the Quakers had not driven them off which is all at present from Hon^d Sir

Liber B.
P. R. O.

Your Hon^{rs} most obedient servant
Phil: Morrey.

To the hon^{ble}
Coll. Henry Darnall present

whereupon was sent him this foll: letter in answer viz:

S^t Maries May 4th 1686.

Capt. Morrey

Councill
letter to
Phil: Morrey
conc: in-
croachmts &c.

Your letter of the 2^d Aprill last has been received and the contents read and considered off in Council by whose order you may understand that as to the Incroachments you mention good care has already been taken therein for prevention, a copy whereof has been sent you, which together with your former Instructions you are to observe and put in execution. By vertue of your Comission you have power to press such men as you can best confide in, the Sheriff being ordered to take care for provisions sufficient without any trouble to you soe that you will have noe occasion to quitt your station

p. 14

Signed p order of his Lp^s Councill
John Lewellin Cl. Con:

Maryland Sc.

To the hon^{ble} the Deputy Governours and Councill of this Province

The humble petition of Garratt Van-Sweeringen

Sheweth,

Garrt V.
Sweeringen
petition.

Unto your Hon^{rs} that in the time Maj^r Boareman was Sheriff of the County of S^t Marys your Pet^r obtained a grant by promise from his Lsp the R^t hon^{ble} the Lord Propr^{ty} that now is that upon the relinquishing or dismission of the said Boareman from the place of Sheriff your Pet^r should be admitted to succeed in that office, but it soe happened that before that time Coll. Wharton (of happy memory) when he was Governor of this Province, had made a promise to M^r Joshua Doyne to be Sheriff of said County upon the first vacancy thereof, for which promise sake his Lordship out of the greate esteeme and respect he bore to the said Collonel Wharton did grant to the said M^r Doyne a Comission for the said place but at the same time his Ldp: out of his naturall and accustomed goodness, and particular favour to your Pet^r renewed his former promise and was pleased to give your Pet^r an assurance that upon the first occasion that should

Liber B. remooove the said M^r Doyne from the said office, your Pet^r and
P. R. O. none before him should be made sheriff of the County aforesaid
as your Pet^r humbly presumes is not unknowne to some of this
hon^{ble} Councill. For what reason the said M^r Doyne resigned
the said office, and the present Sheriff was admitted, your
Pet^r humbly refers to your Hon^{rs}. And in all humble manner
supplicates your Hon^{rs} that as his Lords^{ps} has graciously prom-
ised and (as your Pet^r has sett forth) did intend the place of
Sheriff of S^t Mary's County to your Pet^r your Hon^{rs} in com-
plyance therewith will be pleased to grant and order a Comissⁿ
for the same to your Pet^r Accordingly.

And your Pet^r as in duty bound shall ever pray &c.

The petition was granted and ordered the
Order for Commission issue accordingly to the said Garratt
Sheriff's place of S^t Mary's Co: Vansweeringen for the office of Sheriff of S^t
p. 15 Mary's County.

Election of } The board proceeds to the nomination of Sheriffs in.
Sheriffs } the rest of the Counties as foll: viz.

Cæcil Co: Sheriff Capt. W^m Peirce for Cæcil County
Kent County Shff. M^r Edward Swettnam for Kent County
Talbot County Shff. Maj^r Peter Sayer of Talbot County
M^r John Pollard (if he accepts thereof) for
Dor: County Shff. Dorchester County
Somersd County Shff. M^r Francis Jenckins for Somersett County
Balt: County Shff. M^r Miles Gibson for Baltemore County
A. Arr: County Shff. M^r Henry Hanslap for Ann Arrundell County
Calvert County Shff. M^r Michael Taney Sheriff for Calvert County
Charles County Shff. M^r Robert Doyne appointed Sheriff of
appted conditionally. Charles County if M^r Tho: Burford (who it is
Mr Tho: Burford and said hath something to alledge against him)
Mr Rob: Doyne to att: do not make appeare anything materiall for
the Councill. the contrary, and therefore ordered that both the said Doyne
and Burford give their attendance here to-morrow.

To the hon^{ble} Governours and Councill, the humble petition of
Nathaniell Ashcorn.

Humbly sheweth,

Nathaniel That whereas your Pet^r was nominated or chosen in
Ashcorn the year 1684 to serve as Constable for Great Elton-
petition. head Hundred by the Justices of Calvert County con-
trary to act of Assembly for appointing Constables, which Act
(as your Pet^r humbly conceives) doth order the Constable to
give in the names of three Inhabitants in the hundred, and the
Court to choose one of the three for Constable, and the
Constable accordingly presented to the Court three men being

housekeepers in the said Hundred (viz) M^r Thomas Parsloe, M^r Jonah Winfield, and M^r Gustavus White, neither of them in any other office or any waies upon the Countries service at that time But the Court rejecting them contrary to the said Act, notwithstanding your Pet^r was appointed by an Act of Assembly a Commissioner for laying out of Townes, and your Pet^r being alsoe much afflicted with sickness did for these reasons refuse to serve, for which the Court did fine your Pet^r in the summe of five hundred pounds of tobacco for not taking the oath of a Constable, and other five hundred for not returning a list of taxables, and when they had soe fined your Pet^r they did then summons your Pet^r to Court to give reasons why your Pet^r did refuse to serve as aforesaid, And when the Court did heare what your Pet^r had to say, some of them was pleased to say that the office lay not in their power to take off, likewise your Pet^r on record in Calvert County stands fined five hundred pounds of tobacco, which your Pet^r humbly conceives is a mistake made by the clarke, for that your Pet^{rs} brother Samuel Ashcorn is served by an execution for five hundred pounds of tobacco, which as your Pet^r doth humbly conceive is the same for that noe record doth appeare against the said Samuel in Calvert County Now your Pet^r humbly desireth your Hon^{rs} to consider such proceedings and mistakes and remitt those fines soe layd. And your Pet^r as in duty bound shall ever pray.

The consideration of the aforegoing petition referred till to-morrow morning at which time the Pet^r or some Attorney for him to attend the board to answer such things as shall be proposed in this behalf.

To the Hon^{ble} Councill
The humble petition of Giles Blizard

Humbly sheweth,

Giles Blizard
petition. That whereas your humble Pet^r (who for severall yeares hath been a trader into this Province, being an Inhabitant in the said Province, and believing that those who substitute any trade in the said Province, may from his Lsp. find encouragem^t thereto) hath taken upon him the making of Beaver Hatts and Casto^{rs} which with noe small charge, your humble Pet^r hath brought to perfection, but the law of this Province prohibiting the trading with the Indians without his Lsp's lycence or of those by his Lsp commissioned thereunto, for want of such lycence needfull for the procureing Furrs for carrying on the said trade, your humble Pet^r must be constrained to his greate loss, to desist the prosecution thereof The granting of which lycence your humble Pet^r supposeth to be in your Hon^{rs} power, upon which your humble Pet^r doth

Liber B.
P. R. O.

p. 16

Liber B. humbly beseech your Hon^{rs} to grant unto your humble Pet^r a
P. R. O. lycence to trade with the Indians.

And your humble Pet^r shall ever pray
which petition was granted and thus subscribed.

By the Council May 4th 1686.

Lycence to
trade with
the Indians
p. 17

Lycence is hereby granted to the Petitioner to
trade with the Indians for all manner of Furrs for the
propogation of his trade as is desired.

Signed p. order

John Llewelin Cl Consil:

At a Council held at the City of S^t Marys the 5th day of May
Anno. Dom: 1686.

Present

The hon^{ble} { Coll. Vincent Lowe
Coll. William Digges
Coll. William Burges
Maj: Nicholas Sewall
M^r Clement Hill

To his Lords^{ps} hon^{ble} Council in Council sitting

The humble Petition of John Woodward one of the Com-
missioners of Dorchester County Court.

Sheweth,

John Woodward's
petition

That Thomas Smithson Coroner of the County
afores^d being now ready to take shipping for Eng-
land, and the said Coroners place thereby void

Your Hon^{rs} Pet^r humbly prays a grant thereof

And &c.

John Wood-
ward Coror
of Dorchester
County.

Which petition was granted and ordered that
Commission for Coroner of Dorchester County
accordingly issue to the Petitioner.

Rob. Doyne
& Tho: Bur-
ford

} app: Came M^r Robert Doyne high Sheriff of
Charles County and presented himself to the
board, and M^r Thomas Burford likewise ac-
cording to the order of this board yesterday.

The said Burford is desired to inform this Board what he
hath (if anything) to alledge against the said Doyne, where-
fore he should not continue in the office of Sheriff the yeare
ensueing He saith he hath not in commission from any person
to charge the said Doyne with any misdemeanour but the
common vogue and clamour of the people, neither of his owne
knowledge can he say anything more then the Escape of a
person to him committed for curseing and evill speakeing

against his Lordship. Which if it have been wilfully or negligently permitted, suffered or connived at by the said Doyne, this board conceives he is answerable for the same at common Law to which they referr him as not properly lyeing before their Hon^{rs} in Councill.

Rob: Doyne The said Doyne (nothing else appearing against
Shff. of him) is continued high Sheriff of Charles County for
Charles the yeare ensueing.
County.

Liber B.
P. R. O.

p. 18

Produced and read the foll: Letter from Tho: Thurston to Mr. Clement Hill (viz)

Aprill 12th 1686.

Thomas
Thurston's
letter to Mr
Clement Hill
concerning
Balt: County
Court house.

Loving Friend Clement Hill, If thou please to remember when I saw thee last that wee had some discourse concerning our Court house that now is not standing convenient for the whole County, but rather out of the way, it is the request and desire of the greatest part of the County that the Councill will be pleased to take it into consideration, and grant us an order of Councill to appoint a place where it may be sett for the conveniency of the whole County which wee doe judge will be on the south side of the Runn called Winters Runn convenient for every man that have business there which would be greate satisfaction to the Inhabitants, and encouragement to Travellers and strangers, humbly desireing that the Councill will be pleased to grant us our request.

First That there is much land in breadth and length still to take up, which is a greate hinderance to the Prop^{ry}

Secondly. There is many have taken land up and are doubtfull of seateing it for fear of the heathen.

Thirdly It would be a meanes to drive back the heathen further into the woods.

Fourthly. It will be neere the middle of the County.

Fifthly The continuance of causes puts men to more charge then the debt because that in the winter, people cannot come for the frost, and here every man may come winter and summer.

Sixthly It will be neere the path that goes from Potomock to the Susquehannah Rivers and that will encourage Strangers, and enlarge our County.

This in the behalf of the people in Potapsco, Back River, Middle River, Gunnpowder River, and the south side of Bush River doe request an order of Councill with what speed it may be and there in you will oblige the oppressed and promote the Lord Prop^{ry} right

These for my loving Friend

Thomas Thurston.

Clement Hill liveing in Clements Bay

one of his Lo^{p's} Councill.

with care.

Liber B. Referred till next } The consideration of the foregoing letter
P. R. O. Councill day. } referred till the next Councill day, and ordered
p. 19 that in the meane time M^r Miles Gibson Sheriff of the County
and other the Inhabitants thereof now present at S^t Maries, be
consulted touching the same.

John Baker's } M^r John Baker present high Sheriff of S^t Maries
motion. } County humbly mooves the board that (M^r Van-
sweeringen being nominated and appointed Sheriff of the said
County for the yeare ensueing) their Hon^{rs} would please to
continue him the said Baker in the said office, until such time
as he could make up and adjust his acc^{ts} with the severall
people Inhabitants of the said County.

Continued Sheriff } Ordered that the said Baker continue in
till after June Court. } the office of Sheriff of S^t Maries County till
next June Court be over.

John Pollard dischd } It being alledged that M^r John Pollard
Edwd Pindar appted } yesterday appointed Sheriff of Dorchester
Sher: of Dor: County } County, had formerly refused to serve in
that office and would in all probability now doe the same, it
was ordered that Edward Pindar succeed Sheriff of that County
for the yeare ensueing.

Coll. Lowe gives } The hon^{ble} Coll. Henry Darnall gives the
bond. } board to understand that he had taken bond
of the hon^{ble} Coll. Vincent Lowe for his due execution of the
office of Surveyor Generall according to forme.

Ordered that his Commission be deliv-
hath his Com. deld him. } ered him.

Came Robert Doyne gentl: high Sheriff of Charles County
and produced the following Deposition (viz:)

The Deposition of Robert Yates.

Robert Yates Depos: } Robert Yates aged thirty yeares or there-
between } abouts this Deponent sayth, that goeing
Doyne & Lynes. } down some time before the last Provinciaill
Court to Wiccoomico Mills, he mett with M^r Henry Hardy, and
the said Henry Hardy told your Deponent that he was goeing
down to the said Mill to take M^r Philip Lynes by virtue of a
Deputation from M^r Robt: Doyne high Sheriff of the said
County, in execution of the suite of Thomas Clayton merchant
of Leverpoole for the summe of twelve thousand, seaven
hundred, eighty nine pounds of tobacco debt and five hundred
and ninety five pounds of tobacco, costs of suite, which said
Deputation I did see and read under the hand and seale of
Robert Doyne, and when your Deponent with the said Henry
Hardy came to the house of the said Mill, the said Hardy

clapt M^r Philip Lynes on the shoulder according to usual forme, and said he did execute him the said Lynes at the suite of the said Clayton aforesaid for the debt and costs aforesaid by virtue of a Deputation from the said Doyne aforesaid, upon which the said Lynes stroke the said Hardy severall blows, and withall made his scape from him.

Liber B.
P. R. O.
p. 20

April 24th 1686.

Robert Yates

Which day appeared before me the above named Robert Yates & made oath that the above Deposition is the truth and nothing but the truth

John Stone.

The said Doyne prays the result of the board upon the difference betweene him and M^r Lynes concerning the serving the said writt of execution by the said Hardy.

Which was admitted to be good and legally served according to the following order viz.

Maryland ss. By the Councill May 5th 1686.

Robert Doyne order
Councill to confirme
the serving execution
upon M^r Lynes. } Resolved that the writt of Execution (before the last Provinciaall Court) served at the suite of Clayton, upon M^r Philip Lynes by Henry Hardy of Charles County by virtue of a Deputation from M^r Robert Doyne high Sheriff of Charles County was duely, truly and legally executed.

Signed p order John Llewellyn Cl. Con:

vid: Concil: Lib: R. R. R. } Taken into consideration the tryall of
fo: } an Indian prisoner named Sampson Subject to the Emperor of Nantecoke by him delivered up and brought downe to the Provinciaall Court for his tryall, but considering that most of the materiall evidences against him were Indians and the fact committed in Dorchester County where they live and where it could best be proved and made out against him, it was ordered that he should be remitted back into the said County and that speciall Commission should issue to Coll. Stevens, Maj: Taylor, Capt: Tripp, M^r Pindar and M^r Pollard to trye him there according to the foll: two ord^{rs} viz:

By the Councill May 5th 1686.

Maryland ss. Ordered that the Indian Sampson brought downe this Court for the murder of Griffin Evans be safely conveyed back into the custody of the Sheriff of Dorchester County, there to be tryed for the same according to a speciall Comission for that purpose to issue.

Indian Samp-
son to be
remitted
to Dor: County
for tryall.

Signed p order

John Llewellyn Cl. Con:

Liber B.
P. R. O.

By the Council May 5th 1686.

Comission for tryall
of Indian Sampson to
Coll: W^m Stevens
Maj. Tho. Taylor
Capt: Henry Tripp
M^r Ed. Pindar
Mr J^{no} Pollard

Ordered that speciall Commission of Oyer
and Terminer be directed to Coll. Wil-
liam Stevens of Somersett County; Maj^r
Thomas Taylor, Capt: Henry Tripp, M^r Ed-
ward Pindar, and M^r John Pollard of Dor-
chester County, or any four of them (whereof

the said Coll: Stevens, and Maj^r Taylor to be one) for the tryall
of one Sampson an Indian subject to the Emper^r of Nantecoke
committed for the murder of Griffin Evans late servant to M^r
Daniel Clarke of Dorchester County:

Signed p order John Llewellyn Cl. Con.

To the hon^{ble} the Secretaryes
or their Chief Clk. These

Vid. pet: fo: 14.
Nath: Ashcornes pet:
reheard & again referred.

Came Anthony Underwood Attorney
for Nathaniel Ashcorn and prayed their
Hon^{rs} consideration of the said Ashcorn's
petition which was again read, and further referred till next
Councill day at which time the said Underwood is required to
have ready and produce to this board (if occasion shall be) the
Act of Assembly in such case made and provided.

At a Council held at the City of S^t Maries the sixth day of May
Ann: Dom: 1686.

Present

| | | | |
|--------------------------|-----------------------------|--------------------------|---|
| the hon ^{ble} { | Coll. Vincent Lowe | The hon ^{ble} { | Coll. W ^m Stevens |
| | Coll. Henry Darnall | | Coll. W ^m Burges |
| | Coll. W ^m Digges | | Maj ^r Nich ^o Sewall |
| | | | M ^r Clement Hill |

Nath: Ashcorne's }
pet: considered

Came again Anthony Underwood Attorney
for Nathaniel Ashcorn and acknowledged that by
the Act of Assembly the Com^{rs} of the County Courts were not
peremptorily tyed up to choose for Constables one of the three
pricked down by the preceding Constable, but for plea saith
that the said Ashcorn being then at that time a Comm^r for
Townes appointed by Act of Assembly might have reasonably
been excused, specially when the preceding Constable had
presented to the Court three other able persons as by his Cer-
tificate here produced which is as foll: viz.

Henry Mackdonald's Cert: }
concerning Const: place

These are to certifie all whom it may
concern that I Henry MackDowell of
Calvert County did serve Constable for great Eltonhead Hun-
dred in the yeare 1683, and at the expiration of the said yeare
did give in the names of three men living in the said Hundred
for the Court to choose one to serve as Constable, the persons

by me nominated were M^r Thomas Parslon, M^r Jonah Whinfield, and M^r Gustavus White as witness my hand this 23^d of Aprill 1686. Liber B.
P. R. O.

the mark of
Henry H Mackdowell

Nath: Ashcorn's Fine }
500^{lbs} Tob. remitted. } Ordered that the fine of five hundred pounds of Tobacco imposed by the Com^{rs} of Calvert County Court upon Nathaniel Ashcorn for n^ot returning the list of taxables, be, and the same hereby is remitted and wholly taken off and the said Ashcorn from thence fully acquitted and discharged.

The hon^{ble} Coll. Henry Digges and Maj^r Nicholas Sewall Principall Secretarys of this Province produce to the board severall Rules necessary to be observed in their office for Lands, whereof the desire, the approbation & the confirmation of the Councill, if it may seem meete and reasonably. They were ordered to be read and are as followeth—viz.

Some particular heads of such Rules as ought more strictly to be observed in the Land Office.

Rules for the }
Land Office } That every Deputy Surveyor shall without faile make due Returnes of all assignments of warrants and Certificates (together along with the Certificates) into the Land office, which thing has hitherto been neglected, to the great delay of business.

That in their Certificates they shall mention the courses and distances more fully and plainly than heretofore they have used, and likewise duely returne along with their surveys, fair platts to every Certificate.

That every Deputy Surveyor shall returne his Certificate in due time into the Deputy Surveyor Generall's Office to be examined, and for the quicker Expedition of business shall attend the land office at S^t Maries more duely than heretofore they have used (it being his Lordship's particular order) or otherwise keepe due correspondence by carefull messengers, if business or other accidents will not permitt their own attendance.

That noe person or persons shall enter a caveat against the land of another to obstruct the issuing of any pattent, without first giving good reasons to the Secretarys for the time being for their soe doing.

That noe Pattents shall goe out of the Land Office, without the owners of such Pattents come and demand them or otherwise send particular order by some other persons, The said persons soe employed geiving their receipts for them. p. 23

That upon every assignment of any warrant or Certificate for Land to a Forreigner and that such Forreigners by virtue

Liber B. of such warrant or Certificate assigned, as aforesaid, sue forth
P. R. O. pattent thereupon, the Officers Fees and other charges thereof
shall be made good, or good caution for the same given before
such time as pattents issue out of the office.

May the 6th 1686.

Approved of in Councill and ordered to be punctually
observed the foregoeing severall Rules in the Land Office
signed p. order John Llewelin Cl. Con:

To the hon^{ble} his Lordship's Councill
The humble petition of John Baker of St Maryes County

Sheweth,

John Baker's
petition. That your Petitioner (at the instance of your
Hon^{rs} onely) being the last yeare constituted Sheriff
of St Marys County, and in noe wise doubting of the continu-
ance of your Hon^{rs} favour towards him upon the consideration
of his good behaviour and faithfull discharge of his duty in
that Office (as he humbly conceives) did ignorantly omitt to
make his application to your Hon^{rs} as in duty he ought, where-
of some person takeing advantage hath (as your Petitioner is
informed) privately sued to your Hon^{rs} and obtained a grant
of the said Office for the yeare ensueing, much to the damage
and disappointment of your Pet^r Wherefore he is forced now
to sett forth to your Hon^{rs} that beside the vast trouble, charge
and expence he hath been at in secureing, keepeing and main-
taineing the publick Prisoners committed to him, upon the
account of the publick faith, meerely of his own private Estate,
yett unsatisfied and not reimbursed to your Petitioner, he hath
contracted severall small parcells and dribletts of debts in all
parts of the County, which (as the case stands) he shall not be
able to collect without much difficulty and more charge. Your
Pet^r likewise (not dreameing of any such undermineing against
him as aforesaid) hath in order more diligently and securely to
p. 24 manage the said Office, provided himself and contracted with
four able persons to officiate under him to keepe his owne and
all publicke accounts committed to his charge, and soe put
himself into a convenient posture for that employment, as may
most redound to his Lop's service, the good and benefit of his
Officers, and all persons concerned, and his owne credit and
good will amongst the Inhabitants, as he doubts not will con-
tinue his good name, which he presumes noe person cann
justly defame or bespatter. And therefore humbly prays that
your Hon^{rs} would yet please soe to consider his case, as to
revoke your order passed for the Office of Sheriff of this
County, and continue your Pet^r in the same for the yeare
ensueing by which meanes your Pet^r may the better be enabled

with the more ease to reimburse himself as well what he hath really expended of his owne private Estate, as alsoe what profitts and advantages he hath made thereof, which he humbly conceives is his Lo^{ps} and was your Hon^{rs} design in conferring the same Office upon your Pet^r The person nominated to succeed your Pet^r will thereby be noe sufferer, but capable of your Hon^{rs} favourable Inclination to him the next yeare, all which is humbly offered to your Hon^{rs} serious consideration by

Liber B.
P. R. O.

Your Hon^{rs} most ready and obedient humble servant

J^{no} Baker.

Their Hon^{rs} have nothing of their owne knowledge neither by report or information to alledge against or charge the Petitioner with, but haveing already passed their grant of the said office to M^r Garratt Vansweeringen, for the considerations sett forth in his petition, they cannot receede from thence.

Eastern Shore } The Kings of Pocomoke and Assateague,
Indians Audience } with severall of their greate men, and greate men of other nations of Indians on the Eastern Shore came and presented themselves to the board for Audience.

Interpreters. } Which was admitted them, and an Indian called Tomm together with one John Townesend of Pocomoke allowed their Interpreters.

Indians present } The King of Pocomoke and the King of
10. deare skins. } Assateague make present of tenn deare skins in token of Friendship with his Lordship and the good people of this his Province, which was accepted of as such and thanks given them on his Lo^{ps} behalf.

Pocomoke Indians &c. } They proceed to deliver the substance of
Compl^t & request } their address in manner following and first they sett forth, that five severall Nations of them (viz) Pocomoke, Annamessex, Manoakin, Nasswattex, and Aquintica are seated and doe cohabitt at a place called Askiminokonson, They complain that one Charles Scarborough and others had seated upon some part of their land called Askiminokonson Neck where they themselves designed to seat in the Face, the Land where they at present are, on the other side the Creeke being worn out, that by the Incroachments of the English they had already been driven from Pocomoke to Aquintica, from thence to Askiminokonson, and from thence they feare they shall be forced to some other place and soe never be fixed without some care be taken to prevent and put a stopp to the Incroachments of the English, that one M^r Whittington and Capt: Osbourne had taken up land within their bounds.

p. 25

They alsoe complain of great damage done them in their Corne Fields and other their labours and improvements by Cattle and horses by meanes of two bridges over the head of Pocomoke River, and Askimenokonson Creeke through which

Liber B. they enter and breake into and destroy their Corne Fields &c.
P. R. O. wherein they pray remedy in such manner as to their Hon^{rs} shall seeme most fitt, and alsoe desire that all the land to the westward of Askimenokonson Creeke not inhabited by the English may be added to their Neck.

Assateague } The King of Assateague complaines that severall
Indians &c. } of the English (viz) M^r William Browne, Edward Hammond, William Bowen, John Fossett, Henry Bishop &c were come and seated among them in the very Towne where they live—but particularly he complaineth against Edward Hamond for that whereas it is a custom among them upon the death of an Indian King to save his bones and make a case with skinns wherein they inclose the bones and fill it up with Ronoke, and other their riches, he the said Hamond about a month since had upon the like occasion of one of their kings dyeing stolen away the skinns and roanoke from the place where he was layd, which one Epimore a greate man of Assateague did see at the sayd Hammond's house and very well knew to be the same, and alsoe one Manassen an Indian that lives with said Hamond did see him bring them home.

p. 26 The Assateagues further sett forth that there being of them severall nations (viz^t) Assateagues, Transquakin, Choptico, Moteawaughkin, Quequashkecasquick, Hatsawap, Wachetak, Maraughquaick, and Manasksons, all under the Emperour of Assateague some certain provision may be made for their quiett and peaceble cohabitation and that a convenient portion of land whereabouts Ambrose White formerly lived may be sett out to them, the place where they now live being all swampy and barren sandy ground and that noe Incroachments may be made upon them.

Annamessex } Ned an Annamessex Indian complaines that one
Indian. } John Kirk and John Carter will not suffer their Indians to hunt upon their land and that Coll. Colebourne if they catch any beaver doth challenge the skinns, and they pray that noe new comers may be suffered among them.

Resolved by the board to consider of what has been offered and to give the Indians answer to morrow.

At a Councill held at the City of S^t Maries the seventh day of May A. D. 1686.

Present

| | |
|--------------------------|-----------------------------|
| The hon ^{ble} } | Coll. Vincent Lowe |
| | Coll. William Stevens |
| | Coll. William Burges |
| | Maj: Nicholas Sewall |
| | M ^r Clement Hill |

Order conc: East: } Taken into consideration the Indians ad- Liber B.
shore Indians } dress yesterday & Ordered that the same be P. R. O.
Coll. Stevens &c. } referred to Coll. William Stevens, Coll. Wil-
to enquire thereinto } liam Colebourne, M^r Thomas Newbold, Capt:

John Osbourne, and M^r James Round or any two of them (whereof the said Coll. Stevens and Coll. Colebourne to be one) to doe and Act therein as to them shall seeme most meete, for his Lo^{ps} Hon^r, the satisfaction of the said Indians, and the peace and welfare of the Province, and that the bridge at the head of Pocomoke, and that at Nassawango or Askimenokonson Creeke, dividing Askimenokonson Neck from Nasswatax be better secured, by affixing at each end of both the said bridges a good and sufficient swinging gate, and that they the said Coll. Stevens &c. more particularly and diligently enquire into the Offence of Edward Hammond, as also into all Incroachments and other damages or grievances offered to the said Indians, and make their Report to this board at at the time of the next Provinciaall Court for their further result.

The Indians called in, and first the board renews to them ^{P. 27} their thanks for their present yesterday, and Testimony of Friendship to his Lsp then communicate to them the foregoeing Order passed in their behalfe, which they will take care to see Present to duely executed, and further order Coll. Stevens to the Indians. present them with forty bottles of Rumm for which they return thanks and are dismissed.

At a Councill held at the City of S^t Maries the eleaventh day of May Ann. Dom: 1686.

Present

The hon^{ble} { Coll. Vincent Lowe The hon^{ble} { Coll. W^m Stevens
Coll. Henry Darnall Maj: Nich^o Sewall
Coll. W^m Digges. M^r Clem^t Hill.

Ed: Furlong's Estate } At the motion of the hon^{ble} Coll. William
to be delivered to John } Stevens, it was considered and ordered by
Kirk the Admin: } the board here, that the Estate of Edward
Furlong deceased formerly committed to the Sheriff of Somersett County to be secured, be now delivered unto John Kirk the legall Admin:

To the hon^{ble} the Deputies Governours
The humble petition of Richard Royston.
In most humble manner

Sheweth

Richard That your Pet^r being legally convicted before the
Royston's hon^{ble} his Lsps. Justices of the Provinciaall Court of
petition. Forgery, with all humble contrition and hearty sorrow
for the same, and all other the miscarriages of his life past

Liber B. inducing him thereto, casts himself at your Hon^{rs} feete for
P. R. O. mercy, and humbly supplicates your Hon^{rs} grace and favour
may compassionately be extended towards him to the pardoning
and taking off the corporall punishment justly due to him for
the same.

And he as in duty bound shall ever pray &c.

Order for } Ordered that if (upon passing of sentence in the
pardon. } Provinciall Court) the Pet^r doe freely and voluntarily
acknowledge his Offence and humbly submit himself in the
face of the Countrey then present in a more speciall manner to
the hon^{ble} Coll. Henry Darnall therein particularly abused, and
shall also promise amendment of life, with hearty sorrow for
the mis-carriage of his life past, according to the summe of his
petition, Then pardon to be granted him according to his
prayer.

p. 28 Francis Jenckins & } At the motion and request of the hon^{ble}
John Townesend } Coll. William Stevens ordered that M^r Francis
added to the Com^{on} } Jenckins and John Townesend be joined in
conc: the Indians. } Com^{iss} with him Coll. Colebourne &c. to
sett out and ascertain the Indian lands and enquire into and
redress their grievances.

Accordingly issued the following Com^{on} (viz:)

Maryland ss.

By the Council.

Comon to Coll: } Whereas Complaint hath this day been
Stevens &c. conc: } made by the severall Kings of Pocomoke,
Indians East } Annamessex, Monoakin, Nasswatex, and
shore. } Aquintica, who are all seated and cohabitt upon
a certain tract or neck of land, called Askimenokonson Neck,
that not onely they are daily incoached upon by severall English
remed fo: 38 takeing up land, and seateing to neare them, and within
the land designed for them to their great prejudice
and disturbance, insoemuch that after haveing soe often upon the
like occasions shifted their stations, they shall be again compelled
soe to doe, unless due care be taken for their redress, but also
that they are daily and continually molested, troubled and
perplexed with injurious breakeing in upon them of greate num-
bers of Cattle, horses and hoggs to the destruction of their
Corne Fields, by meanes of two Bridges one at the head of
Pocomoke and the other at Nassawango, or Askimenokonson
Creeke, dividing Askimenokonson Neck from Nasswattex For
remedy of all which they have mooved to have their portion
of land designed for them to be ascertained, and layd out for
them, and to have allotted them more, all the land to the west-
ward of Askimenokonson Creeke, and not seated nor inhabited

by the English, and that some effectuall care may be taken with
the said two Bridges. Liber B.
P. R. O,

And whereas further complaint is brought from the King of Assateague, that not onely severall English men doe incroach upon him and are come and seated themselves even in the Town where his Indians doe live, but that also in particular one Edw^d Hammond an Incroacher of that nature hath most injuriously and feloniously stolen and taken away greate quantities of Roonoake and skinns from the tomb of some of their former Kings, which (according to their custom) they use to offer there (a crime very ill resented with them) and therefore mooves redress to be made him, and that some more certain provision for their future quiett liveing from the disturbance and Incroachments of the English may be thought off: being of them many Nations (viz^t)

Assateague, Transquakin, Choptico, Moteawaughkin, Que-
quaskequackick, Hassawass, Wachetack, Maraughquaick and
Manaskson. p. 29

It is therefore considered and hereby ordered and appointed that Coll. William Stevens, M^r Francis Jenckins, M^r Thomas Newbold, Capt. John Osbourne, M^r James Round and M^r John Townesend or any three or more of them (whereof the said Coll. William Stevens and Coll. William Colebourne to be one) be and they are hereby authorised and empowered (at some certain time and place by the said Coll. Stevens to be appointed) to meete, consult and enquire into the premisses and to allot and ascertaine to the said Indians such a quantity or portion of land in such place as to them shall seeme meete and convenient, least injurious to the English, and most satisfactory to the Indians, the said land soe to be ascertained, to be layd out and marked and bounded where it shall be necessary. To the end that as well the said Indians as also the English themselves may know each others bounds, and not incroach upon, annoy, or disturb one the other; and that at each end of both the aforesaid Bridges be made and sett up a good substantiall and sufficient swinging Gate that will shutt of itself, for the keepeing out of horses, and Cattle and the security of their Corne Fields, and other their labours.

Ordered also that more particularly and exactly they the said Coll. Williams Stevens, Coll. William Colebourne, M^r Francis Jenckins, M^r Thomas Newbold, Capt. John Osbourne, M^r James Round and M^r John Townesend, or any three or more of them as aforesaid, inquire into and diligently examine the crime charged against Edward Hammond aforesaid, and cause to be done therein, and in all other things hereby committed to them as to right and Justice appertaineth, as may most conduce to his Lordship's Hon^r, the good and wellfare of this Province,

Liber B. and the content and satisfaction of the said Indians: And that
P. R. O. Report of their whole proceedings under their hands and
Seales they make and certifie to this board at the time of the
next Provinciaall Court. Dated at the Council Chamber at the
City of S^t Maries the eleaventh day of May, in the eleaventh
yeare of the dominion of the R^t hon^{ble} Charles &c. Ann: Dom:
1686.

signed p order J Llewelin Cl. Consil.

p. 30 At a Council held at the City of S^t Maries the one and
twentieth day of May Ann: Dom: 1686

Present

The hon^{ble} { Coll. Henry Darnall
Coll. W^m Digges
Maj: Nich^o Sewall
M^r Clement Hill

To the hon^{ble} his Lordship's Council
The humble Petition of Edmund Dennis of Calvert County.

Sheweth

Edmund That your Pet^r being seated in Pottuxen River con-
Dennis venient by the shipping, and there being noe Coroner
petition (as your Pet^r conceives) on this side the River, or at
least within thirty or forty miles upwards, he prayes your
Hon^{rs} to conferr upon him the said Office.

And shall pray &c.

Order for Coroner's } The Petition was granted and ordered that
place in Cal. Co: } Commission for Coroner in Calvert County
issue to the said Dennis.

At a Council held at the City of S^t Maries the 26th day of May
Ann: Dom: 1686.

Present

the hon^{ble} { Coll. Henry Darnall the hon^{ble} { Maj: Nich^o Sewall
Coll. W^m Digges M^r Clem^t Hill

M^r Blakiston's } Taken into consideration the contempt of
contempt considered } M^r Nehemiah Blakiston to the order of this
board of the third of March last for his appearance here at the
time of the last Provinciaall Court to justifie and make good his
charge against this Government contained in his Letter to the
Commissioners of his Maj^{ty}s Customes in London dated the
20th of Aprill 1685 (if soe he could) or otherwise to cleare and
acquitt them from the aspersions cast upon them; all which
he haveing refused to doe peremptorily declareing to severall
persons (and particularly to the hon^{ble} Coll W^m Digges & to

John Llewellyn Cl. Concil) that he did not think himself obliged to answer at all, neither would he, unless they proceeded against him in due Method and forme of Law. Liber B.
P. R. O.

Ordered therefore that a letter be written from the board to his Lordship the Lord Prop^{ry} of this Province now in England acquainting him with the whole full and faire proceedings of this board in this behalf, and the contempt of the said Blakiston thereto, humbly beseeching his Lordship to consider of some way to compell the said Blakiston to make good his charge against this Government or else reasonably and justly to acquitt them from the same, and make such satisfaction as may reasonably be required of him. P. 31

Ordered also that his Lordship's severall joint Letters to the Councill this yeare be perused, and notice taken of their receipts, in the said Letter to his Lordship.

Christina Souldiers } Taken then into consideration the souldiers
pay &c. considered } pay at Christina Fort, and the charges of their
maintenance there, and whether to be continued, and how and
when to be satisfied.

It was thought fitt and ordered that the same be still continued and that the whole charge thereof as well past as to come be defrayed and disbursed by the hon^{ble} his Lordship's Treasurer out of his Lordship's revenues, and that care be taken to reimburse his Lsp at the laying of the next publick leavy, and that for the time to come the Capt: of the Fort and his four men be allowed and have delivered them each provisions. four hundred pounds of meate and four barrils of corne p ann: proportionably for soe long time as they shall be there continued in his Lsps service to be provided them by Major English as occasion shall require, and that upon any attempt or design them or any part of his Lsp's claime they give imediate notice thereof to the said Maj: Inglishe for reliefe and assistance according to the foll: order thereupon drawn up.

By the Council May 26th 1686.

Maryland ss. Ordered that Capt: Philim Morrey with the four men under his Command formerly appointed Christina Fort }
ordered to be kept &c. } to keepe and maintaine the Fort at Christina
Bridge for and in the right of the R' hon^{ble} the Lord Prop^{ry} doe still remaine and continue there to the end and purpose afore-said untill further order from this board and that upon any designe or attempt made, by any Forreigners, Strangers or others, to inroach upon and settle any part of his Ldps. claime thereabouts, the said Morrey doe forthwith give or cause to be given imediate notice thereof to Major Edward English, in order to prevent and hinder the same according to the tenor of his Commission and former Instructions from this board.

Liber B. Ordered also that there be allowed to the said Capt: Philim
P. R. O. Morrey and his said foure men, the quantity of four hundred
p. 32 weight of meate, and foure barrells of corne each p annum for
their maintenance and subsistance there, dureing such their
service, and that the said Major Edward Inglish be and he is
hereby required, authorized and empowered to procure and
cause to be delivered safely to them from time to time as occa-
sion shall require the meate and corne aforesaid

The said Provisions to be signed p order
placed to his Ldp's acct and J. Llewellyn Cl. Consil:
accordingly to be allowed by the
hon^{ble} his Ldps. Treasurer. J. L. Cl. Con:

Coll. Darnall & Majr } Mr Llewellyn,
Sewall order for } Wee doe hereby order you to issue a
summons against } warrant for one John Loder of Pocomoke in
John Loder } Somerset County to give in his Testimony
of what shall be objected against him by the Council, which
will be held at S^t Maries the next Provincia^l Court, and for soe
doeing this shall be your warrant.

Given under our hands this 12th of June 1686.

Henry Darnall
To Mr John Llewellyn Clk of the Council, Nich^o Sewall

Accordingly issued the following summons (viz:)

Maryland ss

Summons for } You are hereby willed and required to summon
John Loder. } John Loder gentl: (if he shall be found within your
Bailywick,) that all excuses sett apart be and personally appeare
before his Ldps Councill at the City of S^t Maries the first day
of the next Provinc^l Court, to answer unto such matters and
things as shall then and there be objected against him, for all
which you are to take good and sufficient security ; and thereof
you are not to faile at your perill. Dated the 13th day of June
in the eleaventh yeare of the Dom^a of the R^t hon^{ble} Charles &c.
Ann. Dom: 1686.

signed p order of the hon^{ble} Coll. Henry Darnall & Maj:
Nich^o Sewall J. Llewellyn Cl. Consil:
To the Shff. of Somerset County
or his Deputy. These.

Att a Councill held at the City of S^t Maries the 8th day of
Sept: An: dom: 1686.

Present

The hon^{ble} { Coll. Henry Darnall
Coll. W^m Digges
Maj. Nich^o Sewall
Mr Clement Hill

James Heath
sworn Clerke of
the Councill.

The Clerke of the Councill's place being voyd } by the discharge of Mr John Llewelin the hon^{ble} Coll. William Digges and Maj: Nicholas Sewall
Vide oath Principall Secretarys present to this Board James
Lib: fo: Heath to be Clerke of the Councill which was ac-
cepted and the said Heath accordingly sworn.

John Loder appears }

John Loder according to a summons by
order of the Hon^{ble} Coll: Henry Darnall and
Maj: Nicholas Sewall makes his appearance. Coll. Darnall and
Maj: Sewall required the said Loder to give an account to this
Board what he had to alleage against Capt: Croft Com^r of his
Maj^{ty}'s Ketch the Deptford according to his the said Loders
report of the wrong he had received att the hands of the said
Croft. The which the said Loder gave as foll: upon oath.

John Loder's Decla }
agt Capt: J^{no} Croft }

The Declaration of John Loder Merchant
of the Ketch Mary at Boston in New Eng-
land Testifieth that being arrived att Poynt Comfort in Vir-
ginia with his said Ketch (designing a trade in Virginia and
Maryland) in December last past there meets with Capt: John
Croft Com^{ander} of the Deptford Ketch who demanded to see
his Coquett or Certificate of the goods loaden on board her the
which the said Loder produced under the officer's hand and
seal of the King's Custom house in Boston aforesaid against
wh^{ch} the said Croft made severall groundless objections ques-
tioning the authority of the officer the Power of any to grant
such Certificate yea the Government of New England alsoe
together with many other frivolous objections undertaking
likewise to be not onely the Interpreter of the Law but the
Executioner alsoe as will appeare by the illegall procedure of
the said Croft against the said Loder for having first judged
him (in his own weak opinion) a Transgressor of the Law
immediately proceeds to the execution thereof by taking pos-
session of the said Ketch sending three of his men on board
her and fetching away on board his Man of Warr Ketch the
said Loder, the Master of his said Ketch and two of his men,
and this without proceeding to condemnation, the said Loder
being with his Vessell thus under Custody and detained from
proceeding or goeing about his lawfull occasions in the way
of Trade to his very great damage and detriment in the Loss
of time, demurrage of the Vessell, Loss of a Markett, together
with many other Prejudices and Inconveniencies that there on
necessarily ensue And seeing noe way of Remedy or Redress
by Law against such a lawless person, it being then four
months to the Court was therefore necessitated to yield to the
unreasonable demands of the said Croft which were noe less
than five Barrells of English Brandy or Spirits, two Barrells of
Jamaica Sugar, one piece of shirting flannell And one case of

Liber B.
P. R. O.

p. 8

Liber B. excellent strong waters, all which he demanded to have out of
 P. R. O. the Cargoe the which by a moderate computation may be
 p. 2 valued att £36: 00: 00: sterling before binding the said Loder
 by promise that he should give under his hand that he had
 taken or received nothing from him for his discharge, which
 was accordingly prepared by his Clerk for signing before the
 said Loder could have a permitt from him to saile, a copy
 whereof with the permitt under the said Croft's own hand is
 herewith to be seen soe having first fetched the particulars
 above mentioned from on board the said Loder's Ketch, the
 said Loder having first signed the aforesaid Paper, the said
 Croft then gave him the permitt under his hand. It is likewise
 further to be noted that when the said Croft had recei'd: all
 the aforementioned goods on board him except only the Case
 of strong Waters which was wittingly or willingly detained he
 refused to lett the said Loder goe till that was alsoe brought
 on board soe severe was he in exacting the full of the particu-
 lars above mentioned. This Deponent further saith not.

John Loder 1686.

The said Loder then produced to the Councill the following
 Deposition taken before Coll. Stevens (viz:)

Samll Woodward's } The Deposition of Samuell Woodward
 Depos: conc: Loder } Master of the Ketch Mary of New England
 against Croft. } Testifieth that on the 19th of Aprill last past
 being bound for the Island of Barbadoes he mett with the
 Deptford Ketch Capt: John Crofts Comander off of old Poynt
 Comfort in Virginia who being with other Shippes at Anchor
 went on board him with the rest of the Masters who was first
 saluted with this salutation oh! this is the Rogue that I have
 been cruising for this month or two this is he that said he
 would petition the King against me And thereupon gave
 him menaceing Language threatning what he would doe to
 him and accordingly in execution of his said wicked purpose
 p. 35 inviting the said Master into his Cabbin fell to boxing of him
 three or four times then comanded him to be imediately putt
 into the Bilboes Some standing by asked why he would deale
 soe severely with him, to which the said Crofts replied that
 was too little punishment for him he would have him whipp
 at the Geeres besides, which had been alsoe, had not some
 interceded hard for him however in pursuance of his former
 Command the said Master was put in the Bilboes and there
 remained from about an hour and half before Sunset till about
 eight of the Clock next morning who then examined him for
 his clearance which having produced and searched the Ketch
 could find nothing against him butt observing by his Clearance
 that there was Bacon on board him said he must have some of

itt, whereupon the said Master told him if he would send his Boat for itt, he might have a piece of itt, to which the said Capt: Crofts replied he would not send his Boat but would make him bring itt on board, the said Master therefore sent itt on board his own Boat After which he the said Crofts asked the said Master if he owned any part of the said Ketch, who told him noe, the said Crofts then asked him who did, the said Master replied one Loder the said Capt: Crofts then interrogated him where the Rogue was. The Master answered he left him att Pocomoke to which the said Crofts reply was, if ever he could catch him he would plague him never noe man in the Countrey was soe plagued being informed that M^r Santford and the said Loder had petitioned the King against him. Alsoe this Deponent further testifieth that in the month of December last the said Crofts meeting with the abovesaid Ketch detained her from goeing about her business took possession of her by sending three of his men on board her and fetching severall of our men out of him and would not suffer the Vessell to goe till he had first taken out of the Ketch 5 Barrells Brandy or English spiritts one piece Flannell and one Case of Strong Waters, afterwards gave him a permitt that he found her clear which is true indeed but that he had nothing from him is indeed a Lye these two papers I did not see dated butt were given me by M^r Loder which I beleeve to be his own hand.

Liber B.
P. R. O.

Samuell Woodward

The 3^d 7ber 1686. Samuell Woodward
made oath of the above written
to be true.

sworne before me. Will Stevens.

The said Loder then produced to the Councill the Certificate given him by Capt: Crofts (in his Declⁿ mentioned) the which he made oath he saw signed by Capt: John Croft, the same is as foll:

Poynt Comfort, Virginia 7th Dec^r 1685.

Capt: Croft Cert: to
Loder about his
goods.

These are to certifie whom itt may concerne } that John Loder and Samuell Woodward
} having produced to me their Bills of loding
Cocquetts and Certificates doe by examination find the Ketch Mary of Boston of New England and the goods laden on board her to be entred and cleared according to law.

Test/ John Croft.

The said Loder alsoe produced a Coppy of a Receipt the which he here made oath is true Coppy of what was exacted from him by Capt: Croft as in his the said Loder's Declⁿ is sett forth (viz:)

Liber B.
P. R. O.

Poynt Comfort Virginia 7th Dec^r 1685.

John Loder's Cert: to
Capt. Croft exacted
from him.

} These are to certifie that John Loder and
Samuell Woodward has been examined and
nothing found nor any concern has been
rendred to the Capt: for any discharge butt by his judgem^t I
was cleared dated as above

Test: John Loder.

The said Loder sweares that notwithstanding he was com-
pelled by the said Croft to give the above Cert: or receipt yett
he had then taken from him by the said Croft the following
goods in an acc^t delivered by the said Loder under his hand
in these words (viz)

Loder's account of
particulars taken
from him by Croft.

} The particulars that the said Capt: Crofts
had from him John Loder for his release and
discharge were as foll: (viz:)

| | | |
|---|------------|-----------|
| 5 Bar: of English spiritts q ^{tt} each 30 Gal. | p Bar: is | £ s d |
| 150 Gall: at 3. B. p Gall: the lowest rate | | 22 10: 00 |
| 2 Bar: Jamaica Sugar q ^{tt} as is supposed between 6 and 7. hundred weight att 25 B. p cwt. | | 8 00 00 |
| One piece of Flannel q ^{tt} as is supposed at least 30 yds. being fine shirting flannell att 2 ^{/s} p yard | | 3 00' 00 |
| One Case of Excellent Strong waters vallued att | | 2 10 00 |
| This is an exact acc ^t of what was delivered to the Capt: of the Deptford Ketch Capt: John Croft Com ^r | £ 36 00 00 | |

according to my best computation as witness my hand.

John Loder
1685

P. 37 Peter Dermott inf:
agt Giles Porter Phillip
Bergen, Francis Child
and Ralph Chiffem.

} Peter Dermott of Cæcill County comes
and informs this Board that he had ac-
cused Giles Porter, Phillip Bergen, Ralph
Chiffem, and Francis Child to the Comm^{rs}

of the said County for that the said 4 persons being in com-
pany drinking together the said Giles Porter said he would
drink the Duke of Monmouth's health for York had been a
bloody Rogue and had poisoned his own Brother King Charles
and was the first Invention of burning the City of London and
that the said Comm^{rs} had notwithstanding took bayle for the
appearance of the said 4 persons at the next County Court.

Order for Warrt
for Giles Porter
& Als.

} Ordered that Warrant issue to the Sheriff of
Cæcill County comāding him forthwith to
have before his Ldp's Councill the said Giles
Porter, Phillip Bergen, Ralph Chiffem and Francis Child and
that the said Sheriff demand of the Clerk of the County Court
of Cæcill County the whole proceedings in the said Court lately
had against the said persons upon the information of Peter

Dermot which the said Clk is hereby ordered to deliver the said warrant Issued in these words (viz:) Liber B.
P. R. O.

Maryland ss.

By the Councill

Warrt for Giles Porter
& als viz, Phillip
Bergen Fran: Child
and Ra: Chiffem.

You are hereby willed and required to
take the Bodyes of Giles Porter, Phillip
Bergen, Ralph Chiffem and Francis Child
and them and every of them imediately

with all speed you have before his Ldp's Councill att the City
of St Marys to answer unto such matters as shall be then and
there objected against them and for your soe doeing this shall
be your sufficient warrant And hereof you are not to fayle att
your Perill and the Clk of Cæcill County Court is hereby
ordered to deliver to you forthwith a Coppy of the whole pro-
ceedings against the above mentioned persons upon the Infor-
mation of Peter Dermot lately had att your County Court and
the same with the above named persons you alsoe have before
his Ldp's Councill as aforesaid Dated the 8th day of Sept^r in
the eleaventh yeare of the Dominion of the Rⁱ Hon^{ble} Charles
&c. Ann: Dom: 1686.

signed p order. Jam. Heath Cl. Consil:

To the High Sheriff of
Cæcill County These/

In consideration that the said Peter Dermot came hither on
purpose to give evidence against the aforementioned persons and
for that he is a poor man and is obliged to attend here untill the
Return of the Sheriff of Cæcill County the following order was
made for his entertainment (viz:) p. 38

By the Hon^{ble} the Councill.

Ordr for Entertain-
ment of Peter Dermot.

You are hereby ordered to give to
Peter Dermot reasonable entertainment
for dyett and lodgeing during this Provinciall Court and
the charge for the same to bring into the Publick Leavy.
Dated the 8th of Sept^r 1686.

Signed p. order

To Thomas Beale of
St Marys Citty Inholder.

Jam. Heath Cl. Consil:

Att a Councill held att the City of St Maryes the 10th day of
Sept^r A. D. 1686.

Present

The hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Maj. Nich^o Sewall
M^r Clement Hill

Liber B.
F. R. O.

To the Hon^{ble} his Ldp's Council
The humble Petition of Robert Doyne High Sheriff
of Charles County,

Sheweth

Robert Doyne }
Petition.

That the hon^{ble} his Ldp's Justices of his High Court of Chancery in their Decree between Phillip Lynes and Christmas Smith not having sufficiently ascertained the payment of the Fees due to your Pet^r upon the writt of execution granted out of the Provinciaall Court against the said Lynes att the suite of said Smith, by whom the same should be satisfied and paid, both the said Smith and Lynes doe deny and absolutely refuse to satisfie the same to your Petitioner.

Your Pet^r humbly prayes your Hon^{rs} to take the same into consideration and to award your Pet^r his due satisfaction wherein your Hon^{rs} more serious judgement itt shall seeme just and reasonable.

And shall ever pray &c.

Councill's opinion }

It is the opinion of this Board that the Fees in the above Petition mentioned ought to be paid by Christmas Smith.

To the Hon^{ble} his Ldp's Council
The humble Petition of Nicholas White

p. 39 Sheweth,

Nicholas White's }
Petition.

And complaineth unto your Hon^{rs} that your Pet^r having according to his bounden duty (as he most humbly conceive) informed against John Holland Master of the Brigantine May Flower of Boston for the breach of a certain Act of Assembly of this Province intituled An Act against the exportation of Wool and Old Iron Whereof your Pet^r hath by virtue of a warrant to him directed and granted by the hon^{ble} Coll. W^m Digges made sufficient prooffe and Testimony by finding considerable quantites of the said comodities aboard the said Brigantine ready to export out of this Province att his coming to clear as he shall be able he doubts not upon tryall to make most evidently appear, upon which one M^r Thomas Jackson a Merchant resideing within the City of S^t Marys maliciously envying the execution of the good Laws of this Province hath taken occasion to abuse, afront and bespatter your Pet^r in a most notorious, scurrilous, base manner threatning to sett all the people nay the very Doggs themselves upon him to scoffe and deride him by the name of a malicious, base and common Informer discouraging not only your Pet^r (in his just and lawfull prosecution for the publick good) but alsoe all other the good people of this Province from takeing notice of any breach of any the Laws of this Province for fear of such scandalous, base, ignominious as he

hath and still doth dayly inculcate into others towards your
 Pet^r by which meanes not onely the said Holland but himselfe
 alsoe and all other evill minded persons in such case may have
 the better opportunity to putt in practice their evill and fraudu-
 lent designes unregarded and the Lawes of the Province stifled
 and smothered to the dishon^r of his Ldp. and his Government.

Liber B.
 P. R. O.

Wherefore not onely to redress your Pet^r butt alsoe
 and chiefly to prevent the discourageing of any officer
 in the execution of his duty for the future your Pet^r
 humbly prayes your Hon^{rs} to that end to take such
 course with the said Jackson as to your Hon^{rs} in your
 more mature and grave judgments shall seeme meete
 to stop and silence the scandalous loud clamours of the
 said Jackson against your Pet^r whereby you will give
 new life unto your Lawes and bring a terror upon those
 that shall dare to contemn or scoffe at the same

Referred to the } The consideration of this Petition of Nicholas p. 40
 Attor: Gen^{ll} } White is referred to the Attorney Generall.

Chopticoe Indians } Came M^r William Assonam King of Chop-
 complaint. } ticoe and made complaint to this Board that
 the English living near and round about them extreemly molest
 and disturb them in throwing down their Fences and destroying
 their corne and Provisions.

Order to be directd } Ordered that a Precept be directed to Maj.
 to Maj: Boarman } William Boarman from this board empowering
 in their behalf. } him to call before him such persons of the
 neighbourhood as the said King or his people complain against
 or suspect to have injured them and the same expressly to for-
 bid for the future to trouble or molest the said Indians.

Which said Precept issued as foll: (viz:)

Maryland ss.

By the Councill

Order to Major } Whereas Complaint hath this day been
 Boarman abt the } made by M^r William Assonam King of Chop-
 Chopticoe Indians. } ticoe that severall of the English living near
 his People doe extreemly molest and disturb them in throwing
 down their Fences and destroying their Corn and Provisions
 Itt is therefore ordered that Maj: W^m Boarman doe cause to
 come before him such persons of the neighbourhood as the
 said King or his People complain against or suspect to have
 as before said injured them and strictly to forbid them for the
 future to trouble or molest the said Indians in what they have
 hereby complained of. Dated att the Councill Chamber att
 the City of S^t Marys the 10th day of Sept^r in the eleaventh year
 of the Dom: of the R^t hon^{ble} Charles &c. Ann: Dom: 1686.

To Maj^r W^m Boarman

signed p order

These

Jam. Heath Cl. Consil:

Liber B. Chopticoe Indians } The Indian King aforementioned maketh
P. R. O. prest to the Councill. } present to this Board of five Dear Skins,
which was kindly accepted & thanks returned.

Order about the } Ordered that the former Order sent to
Eastern Shore Ind: } Coll. William Stevens and als, concerneing
to be renewed. } the Indians on the Easterne Shore be re-
vide huj: lib: fo: 25. } newed verbat as the other was, that miscarried.

The which accordingly issued dated the 10th day of Sept^r in
the 11th year &c. 1686.

signed p order
Jam Heath Cl. Consil.

P. 41 Rob: Gellie's house } Itt is considered by this Board that the
inconvenient for } house wherein Robert Gellie keeps Ordinary
an Ordinary by } in the City of St Maryes is very inconvenient
reason of } and prejudiciall to the Publick for that att
juryes & Attorneys } the time of Provinciaall Courts the juryes, Attorneys and other
suitors to the said Court are at the said House often detained
and disordered when they ought to give their attendance upon
the said Court, alsoe the said House being near to the
State House wherein the Publick Offices of this
and Clerkes Province are kept, the Clerkes of the said Offices are
often found to frequent the said House by which means there
is great occasion to suspect the Publick affairs of this Province
are much impeded by reason of the said Ordinary.

Will consider to } This board will therefore in a few days con-
have the same } sider of a meanes whereby the said Ordinary
suppressed. } may be suppressed.

Mr Lynes informes } Came Mr Phillip Lynes and informed this
of D'hynoyossa } Board that Mr D'hynoyossa had stabbed with
stabbing Mr Wells. } a knife Mr Wells in the belly and that it
appeared to be a mortall wound, the said Lynes alsoe pro-
ducing the knife by which he said itt was done the same
appeared as if itt had been runn in near 3 Inches. Ordered
that the Sheriff of St Mary's County forthwith take the said
D'hynoyossa into his Custody and him in Irons safe keep
untill he be delivered by due Course of Law, which said Order
foll: in the said words (viz^t)

By the Councill.

D'hynoyossa } Mr Phillip Lynes coming and informing this
committed. } Board that Alexander D'hynoyossa hath given a
mortall wound in the belly by a stabb with a knife to one Mr
Wells. Ordered that the Sheriff of St Marys County forthwith
take the said D'hynoyossa into his custody and him in Irons
safe keepe untill he be delivered by due Course of Law.

Dated att the Councill Chamber the 10th day of Sept: in the

11th year of the Dom: of the R^t Hon^{ble} Charles &c. Ann. Liber B.
Dom: 1686. P. R. O.

To the Sheriff of S^t signed p order
Marys County. These. Jam. Heath Cl. Consil.

Att a Councill held att the City of S^t Marys the 14th day of
September Ann: Dom: 1686.

Present

The hon^{ble} { Coll: Vincent Lowe
Coll. Henry Darnall
Coll. William Digges
Maj: Nich^o Sewall
M^r Clement Hill

P. 42

Ordered that Writts issue to the Gentlemen of the Upper House of Assembly for their appearance at the Generall Assembly to be held att the City of S^t Marys the last Tuesday in October next And likewise that Writts goe forth to the Sheriffs of S^t Marys, Kent, and Dorchester Countys to choose Delegates to serve in the Assembly to be held as aforesaid in the roomes of M^r Clement Hill for S^t Maryes County (being called to his Ldp's Councill and by consequence to the Upper House of Assembly) and of M^r Henry Hosier for Kent County he being dead, and of M^r Edward Pindar for Dorchester County he being made Sheriff of the said County. The above said Order issued verbat directed to the Hon^{ble} the Secretaries or their Chief Clerk Dated the 14th of Sept^r Ann: 1686.

signed p order Jam. Heath Cl. Consil.

Promoting the building of Townes taken into considera } Then was taken into consideration the promoting the building of Townes according to the Acts of Advancement of Trade. It was proposed by the Hon^{ble} Coll: Henry Darnall that there might be officers especially appointed for each respective Town in every County of the Province to be obliged by oath to use their diligence to see the said Acts strictly complied with, the which proposition was approved of by this Board, and Ordered that particular Instructions be drawn for such Officers for their Guide and Direction how they shall proceed in the Prosecution of the said Order for Acts. Ordered alsoe that Proclamation issue injoyning Procl: a strict compliance with the said Acts, the which went forth as follows. P. 43

By the Deputyes Lieutenants
Maryland ss:/ A Proclamation

Proclamation) Whereas by a Proclamation bearing date the
about Townes. { twenty fifth day of November last past for that

- Liber B. the Inhabitants Taxables of this Province were not then quali-
 F. R. O. fied and supplied with necessary and convenient sloops, Boats
 and other vessells to lade, transport and carry such Tobaccoes,
 wares, merchandizes and manufactures to the Ports and Places
 of Trade as in an Act intituled An Act for Advancement of
 Trade (in the said Proclamation recited) are required And
 likewise that whereas all Masters of shipp's Marinors, Mer-
 chants and Factors trading hither and not residents of this
 Province by the said Act are disabled to lade transport and
 carry such Tobaccoes Wares and Manufactures of this Pro-
 vince as is in the said Act named to the Ports and Places of
 Trade aforesaid By meanes whereof the same would have
 remained att the severall Plantations where the same was made
 and produced which might have putt the Inhabitants of this
 Province to some inconvenience as well as the disappointment
 and impediment of shipping In tender consideration whereof
 wee did with the advice and consent of his Ldp's Council (for the
 ease and benefit of the Inhabitants of this Province and of the
 severall Masters, Marrinors, Merchants and Factors that traded
 here the last yeare) Tolerate any the Inhabitants
 Toleration of the former of this Province to employ any Boat, Sloop, Shallop
 Proclama or other Vessell whatsoever to lade transport and
 carry to such shipping Places as by the said Act is appointed
 All such Tobaccoes Wares and Manufactures in the said Act
 mentioned without any Loss, Damage, seizure, forfeiture or
 penalty whatsoever by the said Act prescribed Pro-
 visoe of the former } vided as in the said Proclamation is provided The
 Proclama } which Liberty and Toleration was given to the
 Inhabitants of this Province with intent the better to enable
 them to comply with what the said Act requires in order to the
 providing themselves with Boates, Sloopes and other Vessells
 to transport their Tobaccoes and other Commodities of the
 Country to the severall respective Townes as the said Act re-
 quires Wee noe wayes doubting butt that the Inhabitants and
 P. 44 good people of this Province using their utmost endeavour to
 promote the welfare of this Province Have accordingly made
 due Provision in order to a ready compliance in all things with
 an Act soe beneficiall for the Advancement of Trade and con-
 sequently for the good of this Province Notwithstanding that
 some evill minded persons have and doe endeavour to per-
 suade the good people of this Province that the forwarding
 and promoting of Townes is not for the Advantage of the In-
 habitants of this Province whereas itt evidently appears that
 such men have noe other then covetous and sinister ends to
 promote their own private gain and noe way desire the publick
 good of this Province For that in all places where
 Benefitt accrewing by promoting there has been any advancement towards the build-

the building ing of Townes the Inhabitants thereabouts resideing
of Townes. doe sufficiently experience the Profit & Benefitt
accreeing thereby as is likewise most apparent in all our
neighbour Collonyes and Plantations where none have been
known to thrive. The Country plentifully to be supplied with
necessaries at easy rates nor Trade advanced (which enriches
the Inhabitants by ready vending the Produce of their labours)
But where their first care has been for the erecting and building
of Townes And therefore that soe generall and publick a
good may be noe longer withheld nor detained from the In-
habitants of this Province Wee the said Deputyes
Lieut^s together with the advice and consent of his
Ldp's Councill doe hereby publish and declare that
the Acts intituled an Act for Advancement of Trade
made att a Generall Assembly Anno 1683 and an
additional and supplementary Act to the Act for Advancement
of Trade made att a Generall Assembly held in Aprill 1684
relating to the raising of Townes be with all vigour and
strictness observed in all and every Clauses thereof As well in
the prohibiting all Masters, Marriners, Merchants, Factors and
other Persons from lading on board any Boat, Sloop, Shallop
or other vessell whatsoever any the goods and commodityes of
this Country in the said Acts named in any other Place or
Places then are in the said Acts ordained and appointed for
shipping Places under the severest penalties in the said Acts
mentioned Butt alsoe strictly injoyning all manner of Persons
whatsoever as well the Inhabitants of this Province as others
resideing here that they presume not to vend, sell or expose
any goods or merchandizes whatsoever by the said Acts in-
tended, at any other place or places then such as are appointed
in the said Acts for Townes and shipping places under the
severest paines and forfeitures by the said Acts imposed And
for the better and more effectuell putting into execution the
said Acts Wee have with the advice and consent aforesaid
Officers ap- nominated appointed and particularly ordered meet
pointed. and fitt persons living convenient to the respective
Townes that they take especiall care to see the said Acts
observed And to give information of any that after the Publi-
cation hereof shall refuse to comply in all things as the said Acts
require, in order that they be prosecuted to the utmost rigour
of the Law Hereby also declaring that whosoever after the
Publication hereof shall presume to report or any
wayes publish or declare that the Building of Townes
is not for the advancement of Trade or the good of
this Province or in any other words to that effect
shall be deemed as Persons ill affected to the Gov-
ernment and be accordingly severely punished Alsoe Wee

Liber B.
P. R. O.

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Penalty to
be inflicted
upon those
that speak
agt building
of Townes.

Liber B. the said Deputyes Lieu^{ts} doe hereby declare that wee together
P. R. O. with the members of his Ldp's Upper and Lower Houses of
Assembly att the next Generall Assembly to be holden for this
Province will become humble 'sutors to his Ldp: that some
effectuall care may be taken for the prosecution and putting
into execution an Act of soe great concern and benefit to the
Country Being resolved never to give the same over
Resolution to continue untill itt shall have taken it's designed effect viz^t the
promoting erecting, building and establishing of Townes for the
the building of Townes. Advancement of Trade and generall good and wel-
fare of this Province And itt is further declared that the
Sheriffs of each respective County in this Province doe cause
this Proclamation to be read and published in the most publick
and convenient places within their Precincts And that all per-
sons whatsoever doe take due notice thereof.

Given att the City of S^t Maryes under the great seal
of this Province the 14th day of Sept^r in the eleventh
year of the Dom: of the R^t hon^{ble} Charles &c. Ann:
Dom: 1686.

signed
Henry Darnall, Keeper.

Vide. fo: 38
Rob: Gelly's Ordinary
again considered of &
ordered that it be repre-
sented to the Mayor &c.
to have itt suppressed. } Itt was taken into consideration the
inconveniency of Gellie's House to be an
Ordinary and Ordered that itt be repre-
sented from this Board to the Mayor and
Aldermen of the City of S^t Maryes as a
Publick Greivance in order to have the same suppressed.
The which issued forth as followeth

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By the Councill

Order to the Mayor } Itt appearing to this Board that the house
& Aldermen of S^t } wherein Robert Gelly Keeps Ordinary in the
Maryes to suppress } City of S^t Maryes is very injurious and
Gelly's Ordinary. } prejudiciall to the Publick And this Board
does represent the same as such to the Mayor and Aldermen
of the said City in order to have the same suppressed.

Dated at the Councill Chamber in the City of S^t
Maryes the 14th day of Sept^r in the eleventh year of
the Dom: of the R^t Hon^{ble} Charles &c. Ann: Dom: 1686.
signed p order Jam. Heath Cl. Consil.

To the Hon^{ble} the Deputyes Governours of the Province of
Maryland

James Douglas The Humble Petition of James Douglas.
Petition.

In most humble manner

This Pet: was preserved
& order upon itt made
the 15th Sept: and ought
to have been entred
as the first thing done
in Councill that day
being here, by mistake.

Addresseth himself to your Hon^{rs} and
sheweth that your Pet^r being accused
and legally convicted and condemned to
suffer death for the felonious stealing and
taking away a Horse Bridle and Sadle
before the Hon^{ble} the Justices of the

Liber B.
P. R. O.

Provinciall Court hath nothing in mitigation or extenuation of
his crime to offer to your Hon^{rs} Butt humbly prostrates himself
att your Feet for Grace and Mercy for a motive inducing you
thereto only his own contrite and penitent spiritt for this and
all other his miscarryes of his life past with a firm Resolution of
amendment for the future (if your Hon^{rs} shall put him in a
capacity for soe doing) the poor distressed condition of his poor
wife and your Pet^{rs} tender yeares capable of doeing his Ldp
and your Hon^{rs} good service therefore humbly implores your
Hon^{rs} serious and compassionate consideration of his deplor-
able condition soe as to grant him the benefitt of his Ldps.
most gracious pardon.

And as'in duty bound shall ever pray &c.

Pardon offered
upon condition
he be comon
Hangman.

Ordered that James Douglas have a generall
Pardon with the Provisoe that he shall be comon
Hangman for this Province for the future, this
Pardon to be kept private and secrett untill
such time as the said Douglas shall be carryed to the place for
execution and the rope putt about his neck att which time the
said Pardon to be produced and not before. Order for the
same issued as followeth.

Maryland ss./ By the Councill Sept: 15th 1686.

P. 47

Order for } Upon the humble Petition, acknowledgement and
a pardon. } submission of James Douglas Itt is hereby ordered
that he have his Lordsp^s most gracious and free pardon upon
condition that he shall for the future be the comon Hangman
for this Province.

signed p order

To the hon^{ble} the Secretaries Jam. Heath Cl. Consil. "
or their Chief Clk. These.

Att a Councill held at the Citty of S^t Maryes the 15th day of
Sept: An: 1686.

Present

The hon^{ble} { Coll: Vincent Lowe
Coll: Henry Darnall
Coll. W^m Digges
Maj: Nich^o Sewall
M^r Clement Hill.

Liber B. Memorand: the Petition (and order thereupon) of James
P. R. O. Douglas ought to have been here entred the which in the afore-
goeing page by mistake.

Instructions about } Then was read the Instructions by this Board
the Officers for } ordered to be drawn to the Officers especially
Townes read. } to be appointed for the severall and respective
Townes in each County of the Province which said Instructions
are as followeth viz^t

Maryland ss/ By the Deputyes Lieutenants
Orders and Instructions to the officer especially
appointed for Town in County.

Instructions to } Forasmuch as nothing conduces more to the
the Officers for } good of a Country then that the Lawes made for
Townes. } the benefitt thereof be putt in due execution and
Wee considering the great advantage that will undoubtedly
accrew to this Province by promoting the building of Townes
according to the Acts of Assembly for that purpose made
being very desirous the same should be most strictly observed
And Wee reposing especiall Trust and confidence in your
fidelity to his Ldp and in your diligence and care in the prose-
cution and due execution of the following Instructions Have
and by these presents Doe ordain authorize and empower you
to be the officer especially appointed for the aforesaid Town
hereby requiring you to observe the Instructions following.

Imp^{ts} You are to provide yourself with coppyes of an Act
intituled

p. 48 To provide coppyes } An Act for the advancement of Trade as
of the Acts for adva } alsoe with one other Act intituled A supple-
of Trade. } mentary Act to the Act for advancement of
Trade to the which and to all and every part and clause
thereof you are to have due and especial regard As likewise
to respect } to the Proclamation by us the said Deputyes Lieu^{ts}
the Procla- } published being of date the 14th day of this Instant
mation. } September.

To inform after } 2^{dly} That whosoever after the publishing of
publishing of the } the said Proclamation (any thing done before
Proclamation. } that you are not to take notice of) shall not in
all things conform him or themselves to the said Acts you are
to make due information thereof (soe far forth as the same
shall come to your knowledge as the said Acts direct.

To take an acct } 3^{dly} You shall take a strict accompt of all
of Tobaccoes &c. } Tobaccoes and other Commodityes of this Prov-
ince that shall be brought to the said Town in order to the
shippes & } transportation thereof the names of all shippes and
Masters } other vessells (together with their Masters) that shall

names &c. come to anchor att this said Town as alsoe an accompt from whence they come and whither bound you shall take As

Liber B.
P. R. O.

An acct of likewise an accompt of all goods wares and merchan-
goods im- dizes by them imported and brought on shore att the
ported. said Town.

To give Certificates 4^{thly} You shall give Certificates of the true
quantities of Tobaccoe laden on board any
shipp or vessell from the said Town (that hath come to your
knowledge) to the Master of any such shipp or other vessell
that thereby he may be qualified to clear with his Ldps. col-
lectors and likewise if the Master of any shipp or other vessell
shall during his stay att the said Town putt on board or cause
to be putt on board his shipp or other vessell any Tobaccoe or
other Comodities of this Country other then what he takes
and lades from the said Town that you cause such Master to
produce his Certificate that he hath truly taken the said To-
baccoes or other Comodities on board att some Town or Place
of shipping allowed of in the said Acts, which Certificate is to
be from the Officer for that Town appointed And
to the end you may the better know whoe the said
Officers are you have herewith a list of all the Officers
appointed in the respective Townes in each County
of the Province.

A list of all
the Officers
appointed in
every Town
in each
respective
Co: of the
Province
was sent
to every
particular
Officer.

Lastly. Itt is in an especiall and particular manner
recommended to you that you not onely duely
observe and keep the said Acts and every part
thereof yourself Butt that you doe your utmost
endeavour to procure the same to be done by others And that
you be very diligent in enquiring of any that after the publish-
ing of the said Proclamation shall presume to break or contemn
the said Acts and more particularly that you take especial
notice of the neighbouring Plantations which you any wayes
suspect to shipp off tobaccoes or other goods contrary to the
said Acts and that under noe colour or pretence whatsoever
you suffer the same without giving due information thereof as
the Acts direct As likewise the same care you take not to
suffer by your knowledge any goods wares or merchandizes
to be vended or sold out of the said Town in the said Acts
allowed off without informing as aforesaid. You are further
to take notice that although you are particularly named
for the said Town yett you are noe wayes hereby re-
strained from giving Information against any that you
shall know break the said Acts although the same
be in any part of this Province Butt to the contrary in what
place of this Province soever you shall be and know of the
breach of the said Acts you shall give due Information thereof,
you are alsoe to keep a fair accompt of all your proceedings
herein and the same to render to his Ldp or to us the said

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Officer not
restrained
to a partic-
ular Town.

Liber B. Deputyes Lieu^{ts} as often as you shall be thereunto required.
P. R. O. Incourage- And for your incouragement you shall not onely have
ment. what the said Acts allow butt itt shall be in a perticular

manner recommended to the Commissioners for Townes that they will settle reasonable Fees and perquisites upon such Officers for their trouble care & pains herein.

Dated att the Councill Chamber in the City of St Maryes the 15th day of Sept: in the eleventh year of the Dom: of the R^t Hon^{ble} Charles &c. Ann: Dom: 1686.

The aforegoeing Instructions were directed to the severall Officers hereafter named and signed by

Vincent Lowe
Henry Darnall
W^m Digges
Nicholas Sewall
Clement Hill

List of the Officers
for every Town
in the Province.

The names of the said Officers especially appointed for each Town in every County of the Province together with the names of such Justice of the Provinciall Court or Comissioner of the severall Countys to whom Precept was directed to call before them and administer the oath especially ordered are as foll: yiz^t

p. 50 St Maryes County
Officers.

St Maryes County.

Townes
City of St Maryes
Newport
Newtown
Clements Town }
Baltimore Town

The honble Coll: Wm Digges not to be sworn
" Capt: Joseph Piles Mr Clement Hill
" Mr Arthur Thompson Idem
Mr Thomas Clark Capt: Piles & Capt: Doyne

Sworn by

Kent County
officers.

Kent County.

Townes
New Yarmouth
Canterbury.

Officers names
Mr Edwd Sweetnam
Mr Allan Smith

Sworn by
any two Comissrs
any two Comissrs

A. Arundell
Co. officers.
Seavern
London
Herring Creek Town

Ann Arundell County.

Capt. Richard Hill any two Comissrs
Mr Edwd Burgess any two Comissrs
Mr Tho. Knighton any two Comissrs

Calvert Co.
officers.
Battle Creek
Leonards Creek
Bogues Bay
Coxes Town
Mount Calvert Town.

Calvert County.

Mr Nich. Taney Mr Ro. Brookes & Capt. Ladd.
Mr Richd Smith Maj: Nich. Sewall
Dr Sam. Warcup. Coll Towles & Mr R. Brookes
Mr John Craycroft. Mr Tho: Brooke & Mr Geo. Lingan
Mr Ninian Bell. Idem.

Talbott County
Officers.

Talbott County

Oxford
Kings Creek Town
Maj: Courseyes Fork
Doncaster

The honble Coll. Vin: Lowe not to be sworn
Mr Geo. Robotham Mr Geo. Robbins & Mr. H. Coursey
Mr Rob. Smith Idem
Mr Mich^l Turbett any two Justices.

Charles County
Officers.

Charles County

Liber B.
P. R. O.

Bristol }
Chandler Town }
Wharton Town }
Charles Town }
Stumpneck Town }

The honble Coll: Edwd Pye not to be sworn
Mr Rid Boughton Coll: Ed: Pye
Mr Rid Beaumont Idem
Mr Edwd Rookewood Idem.

Dorchester County
Officers.

Dorchester County

Cambridge
Dorsett
Yarmouth

Maj: Thomas Taylor any two Commissioners
Mr Ed: Pindar any two Commissioners
Dr John Brookes Mr Hen: Tripp & Dr Lookerman

Baltimore County
Officers.

Baltimore County.

Baltimore Town
Middle Town in Middle River
Town in Patapscoe

Mr James Phillips Coll: Wells & Mr Ma: Richardson
Mr Tho: Scudamore Maj: Long & Mr Jno Boring
Mr Tho. Derben. Idem

Sumersett County
Officers.

Sumersett County

Rehoaboth

The honble Coll. Wm Stevens not to be sworn

Cæcill County
Officers

Cæcill County

Town in Elk River
Town on Wm Frisbyes Plan:
Town on Jno Wests Plan^a
Town in Worton

Mr Saml Wheeler any Two Commissioners
Mr Thom: Tunis any two Commissioners
Mr Wm Nowell any two Commissioners
Mr Geo. Higginbottam any two Commissioners

The Precept to swear the said Officers issued to the severall p. 51
Justices of the Provinciaall Court and Commissioners of
Countyes as is afore sett down, in these words viz^t

Maryland ss:/

By the Deputyes Lieu^{ts}

Precept to swear }
the Officers }

You are hereby required to call before you
of your County and deliver to him the
Inclosed Instructions when he hath perused the same you are
then to administer unto him the following Oath viz^t

You shall swear that all and every the Instructions and
orders now delivered you from the Deputyes Lieu^{ts} of this
Province you shall to the utmost of your Power well and truly
observe and keep

Soe help you God."

And how you shall this perform that you make report there
of to us att the City of S^t Maryes the last Tuesday in October
next and hereof fayle not as you will answer the contrary.

Given under our hands att the City of S^t Maryes
the 15th day of Sept^r in the eleventh year of the Dominion
of the R^t hon^{ble} Charles &c. Ann: Dom: 1686.

Vincent Lowe
Henry Darnall
W^m Digges
Nicholas Sewall
Clement Hill.

Liber B. Order to be sett up
P. R. O. in the Collectors offices } It was likewise further considered that an
for M^{rs} of Shipp. } Order obliging all Masters of shipp &c
to make due entreyes with the respective
Officers for Townes should be sett up for Publick view in the
Offices of all his Lords^{ps} Collectors, the which was accordingly
sent to the severall Collectors & is as followeth. viz'

Maryland ss./

By the Councill

The Order Ordered that all his Lordship's Collectors affixe in
their offices the following Order viz'

That all Masters of Shipp and other Vessells shall duely
perform and observe the Acts for Advancement of Trade and
be obliged to make due entry of all Tobaccoes and other Com-
modities of this Province by them taken and laden on board
from any Town or Place of Shipping in this Province with the
Officer for that Town or Place especially appointed and that
they presume not to take any Tobaccoes or other comodities
p. 52 of this Province on board att any other Place then in the said
Acts are allowed of for Townes and Shipping Places Nor the
same att the said Townes or Places either by night or day butt
with the knowledge and Privy of the said Officer And that
before the departure of any shipp or vessell from such Town
or Place that the Master thereof take certificate of the Officer
aforesaid for the quantities of Tobaccoe and other Comodities
of this Country taken and laden from such Town that thereby
he may be qualified to clear with his Ldps. Collectors And
that noe person whatsoever concerned refuse to comply in all
things with this order under the severest punishments and
penalties to be inflicted upon those that shall contemn the
same.

Dated att the Councill Chamber att the City of S^t
Maryes the 15th day of September in the eleventh year
of the Dominion of the R^t Hon^{ble} Charles &c. Ann:
Dom: 1686.

signed p order
Jam Heath Cl. Consil.

Coll. Darnall and
Coll. Digges signing
to the great seal
considered of. } Whereas for want of a Right understand-
ing of his Ldp's intentions in comitting the
Great Seal of this Province to the sole custody
of the hon^{ble} Coll. Henry Darnall, whether
the said Coll: Darnall alone should sign to all Instruements that
passed under the said seal or whether the hon^{ble} Coll: W^m
Digges should still sign together with the said Coll: Darnall
For that his Lords^p att his departure from this Province for
England comissioned the said Coll: Darnall and Coll: Digges

to be joynt keepers of the said seal and to sign in his Ldp's behalf all Instruments that passed under the same And in the late Commission from his Ldp constituting the said Coll: Darnall to be sole keeper (Itt has been supposed) there is nothing that revokes the former in point of signeing butt onely in the Custody of the Seal, And itt has been alsoe likewise supposed that the said Coll: Darnall ought to sign alone to all Instreuments that passed under the said Seal By which meanes divers Instreuments as well Pattents for Land as other things of as great moments have sometimes passed the seal with the said Collonell Darnall's signing alone and sometimes with the joynt signing of the said Coll: Digges together and with the said Coll: Darnall This Board having taken the Premises into their serious consideration are of opinion that his Lordship by his late

Liber B.
P. R. O.

Comisⁿ to the said Coll: Darnall alone to be Keeper of the Great Seal did intend the same Powers, Authorityes and Priviledges to the said Coll: Darnall, as he had before done in his joynt Comission to the said Coll: Darnall and Coll: Digges, And that the said Coll: Darnall ought to sign all Instruments that passes under the s^d Great seal himself only, and doe therefore hereby order that for the future untill his Lordship's pleasure be other wayes known the said Coll: Darnall alone sign to all Instruments whatsoever that passes the said Seal in as ample manner as the said Coll: Darnall and Coll: Digges used when they were in joynt Comission, and to prevent any disputes that may arise hereafter about the diversity of signing This Board doth hereby ratifie confirm and hold for valid whatsoever Instruements that have passed under the Great Seal of this Province either with the said Coll: Darnall's signeing alone or with the joynt signing of the said Coll: Darnall and Coll Digges by the occasion aforesaid.

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The hon^{ble} Maj: Nich^o Sewall desired his opinion might be entred that he beleeves itt was not his Lordship's intention the said Coll. Darnall should sign alone butt that Coll: Digges ought still to sign together with the said Coll: Darnall to all Instruements that pass the said Seal, Butt noe other Gentleman being of this opinion with Maj: Sewall the aforegocing Order for Coll: Darnall to sign alone passed the Board.

Councill opinion that Coll: Darnall should sign alone.

Confirmation of what has past.

Maj: Sewall's opinion to the contrary.

but over voted and the Order passed.

To the hon^{ble} the Deputy Gov^{rs} and Councill
The humble Petition of W^m Dent.

Sheweth unto your Hon^{rs}

W^m Dent petition. That your Pet^r understanding that the Clerks place of the Lower House of Assembly is now vacant by

Liber B.
P. R. O. the death of Maj: Charles Boteler late Clk of the same And your Pet^r humbly conceiving that noe person is as yett advanced to that Place and being desirous to take paines in any imploy whereby he may be in a way to gain himself experience to enable him in future times to be serviceable to his Lordship.

He therefore humbly supplicates your Hon^{rs} that you will be pleased to grant the said place of Clerk of the Lower House of Assembly upon him.

And as in duty bound shall ever pray &c.

p. 54 Order for the Clk's Place of the Lower House of Assembly. The Clerks Place of the Lower House of Assembly is granted as prayed to the Pet^r and ordered that Commission Issue accordingly to the said W^m Dent to be Clerk of the Lower House of Assembly during pleasure.

Clk. of the Council
to be assisted in
the present publick
business.

Whereas there is now upon the Clerk of the Council's hands much Publick business to write to all parts of the Province viz: Proclamations, Instructions to Officers for

Towns &c and for that the Publick service requires the same should be most speedily done As alsoe to gain the opportunity to send the same by the severall Sheriffs from all Countyes in the Province now ready to depart from the Provinciall Court.

Order to
procure
Clerks.

Ordered that the Clerk of the Council imploy what Clerks he can procure to assist him in the aforesaid publick business and that they be paid out of the Publick Leavy.

Att a Council held att the Citty of S^t Maryes the 16th day of Sept^r Ann: 1686.

Present

The hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Coll. W^m Digges
M^r Clement Hill

Shff of Cæcill County
brings Giles Porter
Philip Bergen & Fran:
Child & Ra: Chiffem
according to a warrant
of the 8th Inst. vide fo. 34.

The Sheriff of Cæcill County according to a warrant to him directed of the 8th Instant brought before this Board Giles Porter, Philip Bergen, Ralph Chiffem and Francis Child.

Peter Dermot called.

Then was called Peter Dermot to give in his Information against the said persons who appeared and delivered the same as followeth viz^t

The Deposition of Peter Dermott of Cæcill County Planter
aged about 26 years. Liber B.
P. R. O.

Peter Der-
mott's De-
position
against
Giles Porter
& als.

Sayth that upon the 11th day of July last past this Deponent being att the house of Phillip Bergen in Sassafrax in Cæcill County in Company with Giles Porter, the said Phillip Bergen, Ralph Chiffem and Francis Child this Deponent was in the Kitchin of the said House and the said Giles Porter, Phillip Bergen, Ralph Chiffem and Francis Child sate a little before the door of the said Kitchin and the said four persons being drinking healths the said Giles Porter said he would drink the Duke of Monmouth's health for York had been a bloody rogue and had poisoned his own Brother King Charles and was the first Invention of Burning the City of London whereupon Phillip Bergen said hold your tongue for you speak treason the said Giles Porter answered he knew he did speak treason which was all this Deponent can swear he heard spoken by the said Company att that time. This Deponent being then very weak could not goe to make his complaint to a Magistrate in 15 dayes and about the beginning of August this Deponent went to M^r Nicholas Allom a Justice of the Peace of the said County and informed him what he had heard the said Giles Porter say whereupon the said Allom issued out his warrant to apprehend the said four persons and to have them before his Ldp's Com^{rs} att the next County Court which was then very near att hand Att which Court this Deponent attended to give Information against the said persons Butt when it happened the said persons were called this Deponent was a sleep upon his awake he came into Court and found that the said Persons had been called and were goeing to be cleared by Proclamation the which M^r Dare one of the Com^{rs} withstood whereupon the said persons were bound to make their appearance att the next County Court and further this Deponent saith not. p. 55

This Deposition was sworn to before the Councill by
Sworn before the Councill the said Peter Dermott

Jam. Heath Cl. Consil: "

Proceedings
of Cæcill County
agt Giles Por-
ter & als pro-
duced.

Then was by the Sheriff of Cæcill County produced the proceedings in Cæcill County Court against the said persons and is as fol-
loweth viz^t

The Proceedings of Cæcill County Court against Giles Porter M^r Child one Ralph and Phillip Burgen and other matters thereunto relateing concerning libellous and scandelous words spoken against our Sovereign Lord King James the Second upon the Information of one Peter Dermott.

Att a Court held for Cæcill County the 10th day of August

Liber B. and soe continued till the 11th of the same month in the
P. R. O. eleventh year of the Dom: of the R^t hon^{ble} Charles &c. Ann:
Dom: 1686.

Commissioners present

| | |
|-------------------------------|------------------------------|
| M ^r William Dare | M ^r Gideon Gundry |
| M ^r Richard Pullen | M ^r Edward Jones |
| M ^r Nicholas Allum | M ^r George Warner |
| M ^r Edward Blay | M ^r James Wroth, |

p. 56 Itt is by the Court ordered that the Sheriff take into his Custody Giles Porter one Ralph and Phillip Burgen which was accordingly done.

Itt is likewise ordered that a Bill of Indictment be drawn on the behalf of the Lord Proprietary against the persons above mentioned for libellous and scandelous words spoken against the present King James the second and M^r John Thompson one of the Attorney of the said Court was by the Court appointed for that very matter only to draw an Indictment thereupon which was accordingly done by the said Thompson in these words foll: Giles Porter one M^r Child one Ralph and one Phillip Burgen stands indicted for that they the said Porter Child Ralph and Phillip Burgen did on the 11th day of July 1686 att the House of the said Burgen and in the yard before the door sitting drinking of a Bowl of Punch they began the Duke of Monmouth's health the said Giles Porter rising up did say utter and speak these reproachfull words against our Sovereigne Lord King James the Second viz^t that the Duke of Monmouth's health he the said Giles Porter would drink butt for York (meaning our Sovereign Lord the King) hath been a bloody Rogue for he hath poisoned his Brother the late King Charles and he began (meaning our said Sovereign Lord King James the Second) the first invention of the burning of London All these words tending to the dishonour of our said Lord the King his Crown & Kingdom.

The Pannell of the Grand Jury
Samuell Wheeler forman

| | | |
|---------------|----------------------|---------------|
| Thomas Peirce | Edward Lademore | Alex: Mackahy |
| William Drake | Thomas Hitchcock | Walter Meeke |
| Richard Brown | John Waggett | John Parke. |
| John Atkins | Humphry Nicholls | |
| Issack Cask | W ^m Brown | |

The Jury returned on the back side of the Bill of Indictment [Ignoramus for want of evidence]

Then itt was ordered by the Court that a warrant issue forth to the Sheriff for the bringing before the Justices of this Court

Peter Dermott for to prosecute against Giles Porter M^r Child one Ralph and Phillip Burgen which was accordingly done. And understanding that the said Peter Dermott was that day seen att the Court House who came there with an Intent to prosecute the persons above mentioned diligent search was made by the Sheriff and Constables at length Thomas Yerbury constable of Bohemiah Hundred found him not far from the Court House behind a shady Bush who told him that he had there slept and thereupon was imediately brought before the Court to give in his Testimony concerning the above-mentioned words which followeth in these words.

Liber B.
P. R. O.

p. 57

July 11th 1686.

The Deposition of Peter Dermot.

A Memorandum of High Treason spoken against the late King James the Second by one Giles Porter one M^r Child one Ralph one Phillip Burgen att his house upon the eleventh of July 1686 I being there by name Peter Dermott coming by a mischance having a sore legg and being in a very bad condition and could not goe upon my feet I being upon a bedd in a kind of a kitchen and they being in a yard before the door sitting round about a Table with a Bowl of Punch discoursing about the Duke of Monmouth they begann to drink a Health but they said they were sure he was alive still and swore damm them but they would drink a health to the Duke of Monmouth this same Giles Porter rising up said he would drink the Duke of Monmouth's health for York hath been a Bloody Rogue for he hath poisoned his Brother the late King Charles and began the first Invention of burning of London and this I can take my oath upon itt before God and the world to all well disposed Magistrates & good Christians.

Peter Dermott

Upon this Deposition the said Peter Dermott was sworn to in open Court.

Upon which the Court then ordered that the Sheriffe take into his Custody the above mentioned persons to answere to the Prosecution of the said Peter Dermott on the behalf of the Lord Prop^{ty} for speaking those libellous and scandalous words, in November Court next.

And Peter Dermott did acknowledge himself in open Court to be bound to the R^t hon^{ble} the Lord Prop^{ty} in the sum of £50. sterling to prosecute the said Giles Porter M^r Child one Ralph and Phillip Burgen on the behalf of the said Lord Proprietary att the same Court in November next.

signed

Geo: Oldfield Cl: Cæcill Co:

Liber B. Itt was considered that Giles Porter only being accused of
P. R. O. speaking the treasonable words aforesaid against his Majestie
p. 58 . Phillip Bergen Fran: Child and Ralph Chiffem to be evidence agt Giles Porter.
that the other three persons viz: Phillip Bergen Ralph Chiffem and Francis Child should be brought in as evidence against him and that they should be severally and apart examined upon their oaths touching the premises in order whereunto Ralph Chiffem was called and after much obstinacy and refusall was sworn & upon his oath made the following answeres to the severall Interrogations proposed to him by this Board viz:

Question Did you hear the Duke of Monmouth's health named or drunk?

Chiffem Noe.

Qu: Did you hear Giles Portor or any in his Company say that York was a Bloody Rogue?

Chiffem. Noe.

Qu: Did you never hear the said Giles Porter say that the Duke of York was the Invention of the Burning of London or that he murdered his Brother?

Chiffem. Noe.

Ralph Chiffem was then ordered to withdraw and Fran: Child called and sworn & examined as R. Chiffem had been before viz:

Question. Doe you know of any healths that were drank att Phillip Bergen's that day and doe you remember any thing of the Duke of Monmouth's?

Child. Yes, there was a health drank to the Duke of Monmouth

Ques: Did you all that were in Company drink itt?

Child. Yes, all four of us drank itt.

Ques. Are you sure Ra: Chiffem for one drank itt?

Child. Yes, I am sure he did.

Ques. Did you not hear some say the Duke of Monmouth was alive?

Child. Yes I did, and to the best of my Remembrance itt was Giles Porter.

Ques. Did you hear any person say that York was a Bloody Rogue or like that?

Child Noe.

Ques: Did you hear anything spoke about the Burning of London?

Child Noe.

Francis Child was then ordered to withdraw and Phillip Bergen called & sworn and examined as followes viz^{ts}

Ques: Did you hear any in your Company Att your house that day Giles Porter is accused of by Peter Dermott drink the Duke of Monmouth's health?

Bergen. I cannot say butt that itt might be drank butt I know nothing of itt nor did I hear itt drank. Liber B.
P. R. O.

Question. Did you hear any in Company that day say the Duke of Mon: was alive? p. 59

Bergen Noe.

Ques: Did you hear any say or discourse that day in that Company that York was a Bloody Rogue or that he had poisoned his Brother?

Bergen Noe.

Ques: Did you hear any say that the Duke of York was the Invention of the burning of London?

Bergen Noe.

Phillip Bergen was then ordered to withdraw and Ralph Chiffem called and reexamined (viz^t)

Question. Did you hear itt said that day you were at Bergen's about which you have already been examined that the Duke of Monmouth is alive?

Chiffem Yes I did hear such words spoken

After much humming and hesitation the said Chiffem being asked what he heard concerning the Duke of Monmouth he then denyed the answere he made to the last question and sayes he knowes nothing of anything that was sayd about the Duke of Monmouth Butt appeared very obstinate and unwilling to make answere to any question, only he said there was three men more in their Company to witt Edward Blay Abraham Strand and his wife and Edward Lademore who stayed all the day till Night.

Ques: What healths did you hear drank att that time?

Here he could not be brought to give any positive answer.

Ques. What discourse had you coming down?

Chiffem. Wee thought itt would goe hard with us but hoped you would be favourable to us & not give credit to such a person.

Then was he ordered to withdraw and Francis Child again called and re-examined.

Ques: Since you heard those words spoken had you noe discourse with Giles Porter?

Child. Wee onely wished that the innocent might be cleared.

Ques: How long did Blay, Strand and Lademore stay after dinner att Porter's that day?

Child. Blay stayd not long, Strand and his wife stayd till duskish and Lademore went away presently after dinner.

Itt was then and ordered that Giles Porter be forth-
with committed to the Custody of the Sheriff of S^t Maryes County and by him be kept close Prisoner in

Giles Porter committed. p. 60

Liber B. irons untill he shall be delivered by due course of Law, which
P. R. O. order issued to the said Sheriff as followeth viz^t

By the Councill

Order Giles Porter of Cæcill County having been accused before this Board for treasonable words by him spoken against the King's most excellent Majesty that now is ordered that the Sheriff of St Maryes County forthwith take the said Giles Porter into his Custody and him a close Prisoner in Irons keep untill he shall be delivered by due course of Law.

Dated att the Councill Chamber att the City of St Maryes the 16th day of Sept: in the XIth year of the Dominion of the R^t hon^{ble} Charles &c. Ann: Dom: 1686.

To the Sheriff of St Maryes Co: signed p order
These/ Jam Heath Cl. Consil.

Ordered that Phillip Bergen Francis Child and Ralph Chiffem enter into Recognizance in £100 sterling each that they make their personall appearance att the next Provinciaall Court and to doe and receive such things as the said Court shall consider of the which was done as foll:

Phillip Bergen }
Frñ: Child and }
Ra: Chiffem enter }
into Recog. in £100 }
each to appear att }
next Prov: Court. }
Came Phillip Bergen Francis Child and Ralph Chiffem and they and every of them did acknowledge to owe unto the R^t hon^{ble} the Lord Prop^{ty} the sum of £100. sterling a piece to be levyd of their and every of their goods and chattles lands and Tenements upon Condition that if the said Phillip Bergen Francis Child and Ralph Chiffem doe make their personall appearance att the next Prov^l Court to be held att the City of St Maryes the last Tuesday in November next and doe and receive such things as the said Court shall consider of that then the above Recog: of £100 sterling each to such as doe soe appear shall be voyd and of none effect.

Acknowledged severally as aforesaid before the Councill.
Jam Heath Cl. Consil:

Mr Burford's mot: }
against Royston. }
p. 61 } moved for an Order of this Board to M^r Thomas Impey and Dan^l Carnall of Talbot County commanding in which of their hands a Receipt shall be, lately produced att Talbott County Court in a cause between William Ellitt of one Tuce Pl^t and Richard Royston defendant that they forthwith remitt the said Rece^t to him the said Attorney

Generall the which Order was granted and followes in these words viz^t Liber B.
P. R. O.

By the Councill

Ordered that a Rece^t lately produced by Richard Royston att Talbott County Court in a Cause there depending between W^m Ellitt of one Tuce Pla^t and the said Royston Def^t whether the same be in the hands of M^r Thomas Impey or M^r Daniell Carnall that they forthwith transmitt the said Receipt to the Attorney Generall

Dated att the Councill Chamber in the City of S^t Maryes the 16th day of Sept: in the XIth yeare of the Dominion of the R^t hon^{ble} Charles Ann: Dom: 1686.

signed p order
Jam Heath Cl. Consil:

Mary Mulloy being brought before this Board for speaking lying and scandelous words against the hon^{ble} Coll: Lowe the which was proved by the oath of John Woodward to be thus spoken viz: She the said Mary told the said Woodward she had been with Coll. Lowe and fell down of her knees and asked him to pardon James Douglas and the said Coll. Lowe made her answere if she would come and doe as much before the Gallows to-morrow itt should be granted her, she denyes that ever she see or spoke to the said Coll: Lowe butt denyes not that she told M^r Woodward as he has sworn and likewise Coll: Lowe protesting to this board he never spoke any such words to the said Mary Itt is therefore ordered that the Order to be Sheriff of S^t Maryes County cause the said Mary whipt. Mulloy to have twenty lashes upon her bare back for belying and slandering Coll: Lowe as aforesaid the which order issued as followes

By the Councill Sept: 16th 1686.

The Sheriff of S^t Maryes County is hereby ordered to cause Mary Mulloy servant to Tho: Beal to have twenty lashes upon her bare back, as a punishment for lying and scandelous words by her spoken against the hon^{ble} Coll: Lowe and for soe doeing this is his warrant. signed p order
To the Sheriff of S^t Maryes Jam Heath Cl. Consil
County or his Deputy these/

Thomas Smithson Deputy Surveyor of Talbott County being informed of to this Board for the misfeazance of his Office in Antedating a Certificate much to the Prejudice of one Nich^o Clouds of the said County of Talbott. p. 62

Liber B. Order for Sumo } Ordered that summons issue to the said
P. R. O. for Tho: Smithson. } Thomas Smithson to make his appearance
before this Board the first day of the next Provinciaall Court to
answer to such things as shall be objected against him, the
which order accordingly issued in hæc verba viz:

By the Council

Summons. You are hereby willed and required to summons
Thomas Smithson of your County Deputy Surveyor
that all excuses sett apart he be and personally appear before
his Lordship's Council att the City of S^t Maryes the last
Tuesday of November next to answeere unto such things as
shall be then and there objected against him hereof faile not
att your Perill.

Dated att the Council Chamber att the City of S^t Maryes
the 16th day of September in the XIth year of the Dominion of
the R^t hon^{ble} Charles &c.

Ann: Dom: 1686.

To the Sheriff of Talbott

County or his Deputy these/

signed p order

Jam Heath Cl. Consil.

Att a Council held att the City of S^t Maryes the 26th day
of 8ber Anno 1686.

Present

The hon^{ble} { Coll. Henry Darnall
Coll. William Digges
Coll. William Burges
Maj. Nicholas Sewall

Assembly to be } The Assembly by Proclamation being to meet
prorogued for } this day and for that the Members of the Upper
one day. } and Lower House are not all come Ordered that
Proclamation issue to the Sheriff of S^t Marys County to pro-
rogate the Assembly till to-morrow the which accordingly issued
as followeth

By the Deputys Lieu^{ts}

Maryland ss:/

A Proclamation

Proclamation to } Whereas by Proclamation bearing date the
prorogue Assemb. } 3^d day of October Anno 1685. Itt was therein
and thereby published and declared that a Generall Assembly
of this Province should be called and convened to sitt att the
City of S^t Maryes the last Tuesday in March last past and
whereas the same was by Proclamation beareing date the 5th
day of the said March prorogued untill the last Tuesday in
October following (this present day) Wee the said Deputyes

Lieu^{ts} together with the advice and consent of his Ldps Councill Liber B.
P. R. O.
have thought fitt and doe hereby ordain that the said Generall
Assembly be prorogued untill the 27th day of this Instant
October Hereby willing and requiring the Sheriff of S^t Maryes
County forthwith to make publick Proclamation hereof in the
most publick and convenient Places in the City of S^t Maryes
that thereby the severall Deputyes & Delegates of the respec-
tive Countyes (now supposed to be within the said City) may
have notice thereof and that they and every of them all excuses
sett apart come and personally appear att the said City
upon the said 27th day of this Instant October to doe and
consent to those things which shall then and there by the
favour of God happen to be ordained by and with the advice
and consent of the Great Councill of this Province concerning
the state and welfare thereof as alsoe to give notice to such of
his Ldp's Councill, as shall now be found in the said City that
all excuses sett apart they alsoe be and appear att the day and
place aforesaid to the end and purpose aforesaid.

Given att the City of S^t Maryes under the Great Seal
of this Province of Maryland the 26th day of October in
the XIth year of the Dom: of the R^t hon^{ble} Charles &c.
An: Dom: 1686

Henry Darnall Keeper.

Att a Councill held att the City of S^t Maryes the 27th day of
October Anno 1686

Present

| | |
|--|--|
| The hon ^{ble} { Coll. Henry Darnall | the hon ^{ble} { Maj: Nich ^o Sewall |
| { Coll. William Digges | { Coll. Edward Pye. |
| { Coll. Will ^m Burges | |

The hon^{ble} Maj^r Sewall produced a Letter to the Board from
his Lordship the Postscript whereof relating to the Assemblies
meeting is as followeth.

Letter from
his Ldp to
Maj: Sewall
touching
Assemb:

Nick Sewall

London Sept: 2^d 1686.

Being and rest Dear Nick
Your very affectionate Father in Law
C. Baltemore

Postscript

I understand that the Assembly is appointed to meet in
October next butt unless there be great occasion for their
meeting I desire and hereby order you to signifie to all my
Deputies that I would have itt prorogued till Aprill following
C. Baltemore

p. 64

Liber B. Assembly ordered }
P. R. O. to sitt.

The which being considered by the Board their Hon^{rs} are of opinion his Ldp expected this Letter would have come to hand time enough to have Prorogued the Assembly before their meeting alsoe they think itt absolutely necessary some more effectuell care be taken about Townes the which and for the laying the Publick Leavy is what their Hon^{rs} intend to propose to the Assembly. Itt is therefore resolved that the Assembly sitt according to the Proclamation for the Prorogation of itt to this Day.

The same day an hour after mett again and

Present

| | | | |
|--------------------------|--------------------------------|--------------------------|--------------------------------|
| The hon ^{ble} { | Coll. Vincent Lowe | The hon ^{ble} { | Coll. Will ^m Burges |
| | Coll. Henry Darnall | | Maj: Nich ^o Sewall |
| | Coll. Will ^m Digges | | Coll. Edward Pye. |

Itt was then taken into consideration the
Ck of Upper House of Assemb: } appointing the Clerk of the Upper House of
considered. } Assembly Coll: Darnall and Maj: Sewall pro-

duced to this Board certain powers and Instructions from his
Ldp bearing date the 24th day of May 1684 whereby

Vide Lib: they together with Coll: Digges and John Darnall
Consil Esq: were authorized in case of remissness in Duty or
R R R. insolency in behaviour of the Clerk of the Council, Assembly

or Lower House of Assembly to remove such Clerks and
others in their rooms appoint untill his Lordship's pleasure
therein should be further known and that for such occasions
M^r Llewellyn had been lately displaced from being Clerk of
the Council the which to them are sufficient reasons to discon-
tinue him from being Clerk of the Assembly alsoe And there-

fore by vertue of the said Instructions doe nominate
James Heath to be Clerk of the Upper House of
James Heath named Clerk of the As- }
sembly. } Assembly Whereupon Coll: Digges affirmed to this
Board that himself and Maj: Sewall had seen a letter
of the last yeares date from his Lordship to Robert

Lee his Clerk directed thereby ordering him to acquaint the
Deputy Governours that unless upon an extraordinary occasion
he would not have M^r Llewellyn displaced (which Letter Maj:

p. 65 Sewall owned to have seen) that by vertue of that Letter &
their Commission as Deputy Gov^{rs} they had sufficient power to
continue the said Llewellyn The said Instructions notwith-
standing The which being considered by the Board itt was by
Majority of Votes Resolved that this Board by vertue of the
said Letter and of their Commission of Deputy Gov^{rs} had
sufficient power to continue M^r Llewellyn to be Clerk of the
Upper House of Assembly That they found noe occasion to
displace him That they beleevd Heath att present

John Llewel-

lin appted not soe capable to manage the said place as Llew- Liber B.
 Clk. Assemb: ellin and therefore Ordered that M^r John Llewelin P. R. O.
 be continued Clerk of the Assembly

Coll. Darnall and } Coll. Darnall and Maj: Sewall desired itt
 Maj: Sewall dis- } might be entred that they doe insist upon the
 assent. } powers and authorities given them by the said
 Instructions and therefore disallow and disagree of the afore-
 goeing Order.

Att a Councill held att the City of S^t Maryes the 2^d day of 9ber
 Anno 1686.

Present

The hon^{ble} { Coll. Vincent Lowe
 { Coll. Henry Darnall The hon^{ble} { Maj: Nich^o Sewall
 { Coll. William Stevens { M^r Clement Hill

The Hon^{ble} Coll. William Stevens produces the proceedings
 of himself and others upon a Commission to ascertain the Indians
 Lands in Pocomoke the which are as followes viz:

October the 6th 1686.

Sumersett County in Maryland/

Coll. Stevens & als } By vertue of a Commission bearing date
 return Pocomoke } the 10th day of September 1686 from the
 Ind: Land laid out. } Hon^{ble} Councill att the City of S^t Maryes
 directed unto Coll. Will^m Stevens Coll. W^m Colebourn M^r
 Francis Jenkins M^r Thomas Newbold Capt. John Osburne
 M^r James Round M^r John Townsend or any three of them
 Coll: W^m Stevens and Coll: W^m Colebourn being one, Att the
 meeting according att the house of M^r John Townsend by
 appointment of Coll. William Stevens.

Present

Coll: W^m Colebourn M^r James Round
 Capt. John Osborne M^r John Townsend

The King of Assateague with other the kings and great men
 came and then the King of Assateague was demanded of what
 his complaint was against Edward Hammond and was heard
 as to the skins and Roanoke and find noe cause for that Com- p. 66
 plaint, nor any shadow or appearance of truth in itt, alsoe the
 said King complained as to Edward Hamon's seating att
 Capomco, was before his time and that the said Hammon had
 not paid the Matchcote he promised the King of Capomco.

Edward Whereupon M^r Thomas Poynter came and made
 Hamon oath that he heard the King of Capomco declare that he
 received a Matchcoat of Edward Hamon in consideration of his
 there seating.

Liber B.
P. R. O. Alsoe the King of Assateague owned before us that the King of Capomco did receive a long coat English fashion from Edward Hamon in consideration of his peaceable and quiet settlement. Itt was demanded of the said King of Assateague whether he had any other complaint against Edward Hamon who answered himself and his great men they would speak no more till Coll: Stevens came. Coll: Stevens now came and joyned himself with the rest and then demanded again of the said King what further Complaint he had against Edward Hamon. Who makes out noe Complaint, butt that he is not willing he should live there and itt is judged unreasonable he having purchased their consent and good liking att his sitting down, Then came to discourse the King of Pocomoke with the rest of the Kings and great men concerning the bounds of their Lands and considering their arguments for Intrest and the conveniency of the adjacent English Ordered that the Land on the North west side of Pocomoke River in a neck called Askinemeconson bounded on another side by a Creek called Nassiongo Creek and from the mouth of the said Creek up the Creek two miles above the Horse bridge and up the said River one mile above Edward Hamon's House, and from a marked Tree there by a Line drawn North west twelve hundred and eighty Perches, then by a line to a marked Tree two miles above the Horse bridge on Nassiongo Creek Ordered alsoe John Kelmne forthwith make four swinging gates att the two Bridges well and substantially to shutt of themselves and open both wayes and have agreed with the said Kelmne to make the said Gates for 500^{lb} of Tobaccoe alsoe Ordered that Iron work be provided by M^r James Round The same day Ordered that M^r Samuell Cooper forthwith with his Instruments goe to the said Towne and lay out the said land

p. 67 before Ordered Alsoe ordered that Robert Smith M^r John Taylor Teague Quillane and Jerimiah Townsend assist him in the said work Ordered that the Surveyor provide or press Provisions for the accommodation of the men in the work. Ordered alsoe that M^r John Townsend and every person being att any charge by this meeting or ordered to doe any work relating to this affair bring in their severall accompts to the Representatives of this County and be presented to the Assembly for their allowance itt being as wee judge a Provinciall Charge.

These are to certifie the Hon^{ble} the Councill that every the before mentioned Articles in their Order hath been heard and alsoe our Judgement and Report in the severall matters past where upon wee doe hereby putt our hands and seales this 7th day of October in the XIth yeare of his Lordship's Dominion over this Province Ann: Dom: 1686.

Will. Stevens (sealed) James Round (sealed) W^m Coulborn (sealed) John JT Townsend (sealed) J^{no} Osborne (sealed)
his mark

Liber B.
P. R. O.

The hon^{ble} Coll: Stevens acquaints the Board he has been credibly informed the Indians are putt upon desiring the neck of land on the other side of what is already allotted for them, by some English bordering upon the said Neck to secure the Range butt itt is resolved by the Board that noe land taken up by Pattent by any person can be ascertained to the Indians unless the said Persons accept of a consideration for the same.

To the R^t Hon^{ble} the Lord Proprietary &c and
Councill

James Round petition The humble Petition of James Round in behalf of his Neighbours on the seaside and Nasswattax Neck. Humbly Sheweth that notwithstanding the many kindnesses that the Indians doe receive from the English dwelling in those parts They doe dayly kill and destroy great numbers of Hogges and severall Horses in their Town, And that doth not satisfie them butt they doe alsoe make itt their business to goe out of their Town to kill Hogges and cary them away to the great loss and damage of many of his Lordship's good People Now may itt please your Hon^{rs} the Indians are a People soe sly and private in their evill actions that itt is hardly possible to catch the Offender and therefore they doe butt laugh att the English when they doe att any time speak with them concerning itt Therefore your Pet^{rs} humbly prayes your Hon^{rs} to take itt into your serious consideration that there may be some Law made for the taking and securing any King or Chief man of any Towne where either Hogges, Horses or Cattle shall be found killed or mortally wounded while such time as he hath either delivered up the Indian which did itt or made such satisfaction to the Party agreived as by Law shall be appointed May itt please your Hon^{rs} your Pet^r doth humbly conceive that either this or some thing like itt will be a meanes to putt them upon fenceing which would be a security for their Corn that now lyes att the mercy of Hogges and Horses which hath found many wayes over the River to them Hopeing that your Hon^{rs} will consider of this great agreivance and according to your wisdoms will redress the same

And your Pet^r as in duty bound shall ever pray &c.

Referred Vide fo: 77 The Board understanding the Indians against which the Pet^r complain are now in the City of S^t Maryes and have some address or complaint to make to their Hon^{rs} the aforegoeing Petition is referred till after the Indians are heard.

Liber B. Att a Councill held at the City of St Maryes the 3^d day of
P. R. O. Novemb^r 1686.

Present

The hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Coll. W^m Stevens
Maj. Nicholas Sewall
M^r Clement Hill.

Pocomoke Came severall Indians belonging to the King of
Ind: appear^a Pocomoke viz: of Annamessex, Nasswatex, Quan-
danquan, & Aquinteca and made known to the Board they
were not satisfied with the Land as laid out by Coll: Stevens
and others in Askimenikonson Neck complaining that it is
barren and good for nothing but desired to have some Land
over the Creek where Bennitt Smith and Osborn are seated
the which this Board told them they could in noe wayes grant
by reason that Land is already taken up by other persons, at
p. 69 told them they would undertake to procure them enough of
that land they desire to plant Corn provided they would fence
in their Corn fields, which they would not promise but seemed
Hearing very much discontented, this Board then referred
Pocomoke this matter with the Indians to the Assembly.
Ind: referred
to the As-
sembly.

The Space below in this folio and that on the other
side in fo: 71 was left to enter the Plot of the Indians
Land laid out for them in Askiminekonson Neck, but the said
Plot being delivered to the Clerk of the Assembly for their
perusall could never afterwards be obtained by

Jam. Heath Cl: Consil:

p. 71 Att a Councill held at the City of St Maryes the 5th day of
Nov^r 1686.

Present

The hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Coll: William Stevens
Coll. William Burges
Maj: Nich^o Sewall
Coll. Edward Pye
M^r Clement Hill

Pat: Mein presents
Comis^o for Sur: Genll
&c. } Patrick Mein Esq^r being admitted made
known to their Hon^{rs} he was impowered by
the Comis^o of his Majesties Customes to be
Surveyor Generall of his Majestie's Customes in these parts
and produced his Comis^o a Letter from his Maj^{tie} as alsoe a

letter from the Comiss^{rs} of His Majestie's Customes for that purpose the which are as foll: viz: Liber B.
P. R. O.

Loc. Sig:

Pat: Mein Com:
Sur: Gen^{ll} his
Majties Customes.

To all People to whom these presents shall come Wee the Comiss^{rs} for managing and causing to be levied and collected his Majestie's Customes, Subsidies and other duties in this his Kingdome of England send greeting Know yee that Wee the said Comiss^{rs} by vertue of an Act of Parliament made in the 25th yeare of his late Majestie's Reigne Intituled an Act for the Encouragement of the Eastland and Greenland Trades and for better securing the Plantation Trade and in pursuance to the Authority and direction to us given by the R^t Hon^{ble} the Lord High Treasurer of England Have Deputed and Impowered and doe hereby depute and impower Patrick Mein Esq^r to be Surveyor Generall of the rates and Dutyes ariseing and growing due to his Maj^{ty} by vertue of the said Act in his Maj^{ties} severall Collonyes and Plantations in America, whereby he hath Power to enter into any Ship, Bottom, Boat or other Vessel, as alsoe into any shop, House, Ware House, Hostery or other place whatsoever to make diligent search into any Trunk, Chest, Pack, Case, Truss or any other parcell or packadge whatsoever, for any goods, wares, merchandizes prohibited to be exported or imported, or whereof the Customes or other Dutyes have not been duely paid and the same to seize to his Majesty's use and alsoe to put in execution all other the lawfull powers and authorities for the better manageing and collecting the said rates and duties in all things proceeding as the law directs Hereby praying and requireing his Maj^{ties} Officers and Ministers and all others whom it may concern to be aiding and assisting to him in all things as becometh Given under our hands and Seal of the Custome house London this 18th of 9^{ber} 1685. p. 72

Ch: Cheyne, D. North, Jo. Werden, W. Butler Buckworth
L. Chadleigh W. Dickenson.

His Maj^{ties} James R.

Letter in fav: R^t Trusty and R^t Welbeloved Cousin Wee greet
Pat: Mein you well Whereas our Com^{rs} in our Customes in this our Kingdome of England have appointed our trusty and welbeloved Patrick Mein Gent: the bearer hereof to be Surveyor Generall for inspecting the actions of our Collectors and other Officers within our Collonyes of Virginia and Maryland and to give such orders and directions as he shall find necessary for our service, perticularly for the better collecting our duties due by Act of Parliament made in the five and twentieth yeare of the reigne of our dearest Brother of Blessed Memory Intituled an Act for the Encouragement of the Eastland and Greenland

Liber B. Trades and for better securing the Plantation Trade, We Will
P. R. O. and require you to be ayding and assisting to the said Patrick
Mein in the execution and discharge of the Trust committed to
him in the Service aforesaid And in the putting in execution
all other the Lawes relating to the Trade of our Plantations
according as he is or shall be instructed from time to time by
the Comiss^{rs} of our Customes in England now and for the time
being. And soe Wee bid you very heartily farewell. Given
at our Court at Whitehall the 18th day of November 1685 in
the first yeare of our Reign.

Governor of Maryland By his Maj^{ties} Command
superscribed Rochester
To our R^t Trusty and Welbeloved Charles
Lord Baltimore Proprietary of our Province
of Maryland in America.

Com. Customes } In pursuance of the Direction of the R^t Hon^{ble}
Letter in favour } the Lord High Treasurer of England Wee have
Pat: Mein. } issued forth our Deputation to M^r Patrick Mein
to be Surveyor Generall of his Maj^{ties} Customes in the Colony
of Virginia and Maryland and other of his Majestie's Planta-
tions, and haveing given him certain Instructions for inspecting
the actions of our Collectors and other Officers there And to
give such directions as he shall find necessary for his Majestie's
p. 73 service for better collecting the duties and for causing a strict
observation of the Acts of Trade and Navigation within the
said Collonyes and Plantations Wee desire that your Lordship
will please to give him your encouragement and assistance as
occasion in the premises We remain

Your Lordship's
Most humble servants
D. North

Custom House London Jo. Werden W. Butler
7th December 85 W. Dickinson L. Chadleigh
Governor of Maryland
superscribed
For the R^t Hon^{ble} Charles Lord Baltimore
Prop^{ty} of his Maj^{ties} Province of Maryland
in America.

To all which their Hon^{rs} expressed a ready compliyanee and
assured the said Mein of their Ayd, Assistance and encourage-
ment in all thing relateing to his Comiss^o and required by his
Maj^{tie} as often as occasion should be for the same.

The said Mein acquainted their Hon^{rs} he was very sensible
this Government had been misrepresented to his Majestie and
Comiss^{rs} of the Customes concerning the murder of one of his

Maj^{ties} Officers, that he had since his arrivall in this Place informed himself about the same, and was fully satisfied the hands of this Government was clean in the thing except one Person And that he had made the same known to his Maj^{tie} and Com^{miss}^{rs} which he doubts not would be effectuell to the clearing the aspersions laid upon this Government. Their Hon^{rs} gave the said Mein their thanks and shewed their kind resentment for the justice he had done them.

Liber B.
P. R. O.

Writ of Assistance } The said Patrick Mein then desired of their
order to Pat: Mein. } Hon^{rs} his Lordship's Writt of Assistance as is
usual in such cases the which this Board readily granted and
ordered that a Writt of Assistance be forthwith drawn to be
signed by the Deputy Governors.

Eodem Die.
Present as before.

Pat: Mein prays
hearing inter Loder } Patrick Mein Esq: being admitted desired
and Croft. } he might have the reading of a Deposition
Vide fo: 30. } given before this Board by one John Loder
and other papers by him produced against
Capt: John Croft the which were accordingly read unto him,
the said Mein then requested he might have the said Depo-
sitions and Papers to make such use thereof as the case and
Justice requires the which were delivered to him accordingly.

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Att a Councill held at the City of S^t Maryes the 10th day of
Nov: 1686

Present

The hon^{ble} { Coll: Vincent Lowe
 { Coll. Henry Darnall
 { Coll. William Stevens
 { Coll. William Burges
 { M^r Clement Hill

The Writt of Assistance ordered for Patrick Mein Esq. the
last Councill day is as followeth viz:

Province of Maryland.

Writt of Assista } To all Sheriffs Justices of the Peace Constables
to Pat: Mein. } and all other his Ldp's Officers and Ministers
both civill and military within this Province and to all Captaines
and Masters of any Ship or Vessell rideing at anchor in any
River or Creek within the said Province and to all other persons
therein whom it may concern

These are in the name of the R^t Hon^{ble} the Lord Prop^{ry} to
require and command you to be ayding and assisting unto

Liber B. Patrick Mein Esq: Surveyor Generall of his Majesties Customes
P. R. O. within this Province and other his Maj^{ties} Collonyes and Planta-
tions in America and to whomsoever he shall appoint and
make use of in the discovering and making seizure of any
Shippes, Sloop, Boat or other Vessell whatsoever which shall by
him be suspected to have transgressed the Lawes of Trade
and Navigation And in the detecting and seizing of any pro-
hibited and uncustomed goods As likewise to be ayding
and assisting to him the said Patrick Mein in the pressing of
Horse and Man Boat and Hands from time to time according
as his occasions shall require for the purpose aforesaid and
here of you are not to fail as you will answeere the contrary
at your Perill.

Given under our hands this ninth day of November
in the eleventh year of the Dominion of the R^t Hon^{ble}
Charles &c. An: Dom: 1686.

Vincent Lowe

William Burges

Henry Darnall

Nicholas Sewall

Will: Stevens

Clement Hill.

p. 75 Coll: George Wells of Baltemore County being admitted
presented to their Hon^{rs} the following petition viz:

To the hon^{ble} Deputy Lieu^{ts} and Councill

George Wells
in behalf
of Balt: Co:
pet:

The humble petition of George Wells in behalf
of himself and County humbly sheweth to your
Hon^{rs}

That whereas himself with Maj: Thomas Long,
Capt: Henry Johnson, M^r Edward Bedle, M^r John Boring, M^r
Mark Richardson, M^r Francis Watkins, M^r Benjamin Gundry
and M^r Richard Guin were commissioned to serve his Lord-
ship the R^t Hon^{ble} the Lord Prop^{ry} in the office of Justices of
the Peace in the said County and to that end all sworn except
the said Guin who for scandalous and infamous liveing was
not but since the said Gundry is dead and Maj: Long with M^r
Boring and M^r Watkins delayes coming to serve his Ldp and
County whereby there has been noe Court in the said County
since June last to the great grievance and loss to the poor In-
habitants cheifly occasioned by the turbulent spiritt of the said
Long for the prevention of which may itt please your Hon^{rs} to
commission the persons hereafter mentioned and omitt either
him or me for itt's the desire of your Hon^{rs} pet^r to be obleiged
to nothing but what he may be able to perform and he as in
duty bound shall ever pray.

And if it please your Hon^{rs} the Dec: to be directed to M^r
Miles Gibson and M^r Edward Bedle.

To be commissioned Capt: Henry Johnson, M^r Miles Gibson, Liber B. P. R. O.
M^r Edward Bedle, M^r John Boring, M^r Mark Richardson, M^r Francis Watkins, M^r George Ashman, M^r George Goldsmith,
M^r John Walston & M^r James Collier.

Their Hon^{rs} then took into consideration the great prejudice the said County suffers by the want of Courts the which as before alledged being chiefly occasioned by Maj: Thomas Long. Itt is therefore ordered that new Comissions issue for the said County and that the said Maj: Long be left out thereof, and Coll: Wells and the persons by him presented, to be comissioned (except Miles Gibson who being Sheriff of said County cannot while soe be Comiss^r for the Peace) and that precept issue to the Hon^{ble} the Secretarys for that purpose the which was a followes viz^t

Maryland ss/ By the Councill November 10th 1686.

Order new Com: for } Ordered that new Comissions forthwith
Baltimore County. } issue for the Peace and Tryall of Causes for
Baltimore County, to be comissioned Coll: Geo. Wells, Capt:
Henry Johnson, M^r Edward Bedle, and M^r John Boring of the
Quorum M^r Mark Richardson, M^r Francis Watkins, M^r Geo. p. 76
Ashman, M^r Geo: Goldsmith, M^r John Watson and M^r James
Collier Justices Ded: Pot: to be directed to Coll: Wells & Capt:
Johnson signed p order
To the hon^{ble} the Jam Heath Cl. Consil:
Sec^{rys} or their Cheif Clk these/

The Hon^{ble} Coll: Edward Pye enters & takes his place at the Board.

James Round } James Round being admitted humbly prayes
pet: answered. } their Hon^{rs} result upon his Petition preferred
Vide fo: 68. to this Board of the 2^d instant, to which their Hon^{rs}
answered if he can bring any particular person who
does or commits such wrongs and injuryes they may have them
punished according to Law, but their Hon^{rs} cannot give orders
for the takeing or secureing the Indian Kings and great men
unless themselves can be found to have committed such
offences.

Matchcoats ordered } Itt is ordered that 30 Matchcoates be
to be presented to the } bought and delivered to Coll: Stevens and
Eastern Shore Ind: } by him at his discretion to be presented to
the severall Indian Kings on the Eastern Shore haveing
respect to their particular presents to his Ldp answerable
whereto he is to make them Returns, The Tobaccocoe for the
payment of which Matchcoates to be raised and paid this
present year; what Matchcoates remains not presented to be

Liber B. returned to their Hon^{rs} And the said Coll: Stevens to make
P. R. O. choice of Christopher Mutter or John Cobbington to be his
Interpreter in this matter.

Att a Councill held at the City of S^t Maryes the 19th day of Nov:
An: 1686.

Present

The hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Coll. William Burges.
M^r Clement Hill

Provl Court ord^r } In consideration that the Assembly being
to be adjourned. } just ended and the Country will not be able to
come from all parts of the Province by the time of the Provin-
ciall Court Ordered that the said Court be adjourned to the
last Tuesday in February next and that Writts issue out of the
Secretaries office for that purpose.

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Eodem die

Present

The hon^{ble} { Coll: Vincent Lowe
Coll. Henry Darnall
Coll. William Burges
M^r Clement Hill
Coll. Edward Pye.

Neh: Blakiston } M^r Nehemiah Blakiston being admitted
sworn King's Collector. } produced to this Board his Commission
from the Commissioners of his Majestie's Customes beareing
date the 26th of September 1685. thereby empowering him to
be Clerk of his Majestie's Customes in the Rivers of Wicoco-
mico and Potomok to the which he made oath that since the
said Com^o hath come to his hands he hath to the best of his
skill well and truely executed the same and likewise that for
the future he will to the best of his knowledge well and truely
execute the said Comis^o according to the true intent and
meaning thereof

Geo: Layfield sworn } And likewise came M^r George Layfield
King's Compt^r and } and produced his Commission for Comp-
Sur: Gen^l } troller and Surveyor of all the duties, rates
and Impositions ariseing and growing due to his Majestie in
this Province under the hands and seal of the Commissioners
of his Majestie's Customes bearing date the 19th day of March
1684/5 to the which he made oath in like manner with Blakiston
aforegoeing.

Att a Councill held at the City of S^t Maryes the 20th day of Nov^r 1686. Liber B.
P. R. O.

Present

The hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Coll. William Stevens
M^r Clement Hill

Particular persons } Itt was then considered and ordered that
to App^t officers for } some one of his Lordship's Councill or some of
Townes, ordered. } the most eminent Inhabitants convenient to
each respective County in the Province resideing be ordained
and appointed to give orders and directions from time to time
to the Officers for Townes whom they may continue or dis-
place as they shall see occasion and appoint new officers to
such Townes as have not yet had any, And that there be
orders and Instructions drawn for such Gentlemen for their
acting herein, And for the several Countyes in the Province
their Hon^{rs} proceeded to nominate the persons foll: viz:

| | |
|------------------------------|--|
| S ^t Maryes County | Coll: W ^m Digges |
| Calvert County | Coll. Henry Darnall |
| Kent and } Countyes | Coll. Henry Coursey p. 78 |
| Cæcill } | |
| Charles County | Coll. Edward Pye. |
| Talbot and } Countyes | |
| Dorchester } | |
| Sumersett County | Coll. W ^m Stevens |
| Ann Arrundell County | Coll. W ^m Burges |
| Baltimore County | Coll. George Wells. |

The Orders and Instructions to which Gentlemen were as
followes viz^t

Maryland ss/ By the Deputys Lieu^{ts} & Councill

Instructions to } Whereas for the better putting into Execu-
those that appoint } tion the Acts of Assembly made for the
Officers for Townes. } Advancement of Trade Wee the said Deputys
Lieu^{ts} did think fitt to constitute and appoint certain Officers
for the respective Townes in each County of the Province to
take care to see the said Acts duely observed And whereas
at a Generall Assembly begun and held at the City of S^t
Maryes the 27th day of October last past a farther additionall
Act to the Act for the Advancement of Trade and to the
Supplementary Act to the same was made Wherein there are
some alterations and additions to the former Whereby itt is
necessary that the Orders and Instructions formerly given the

Liber B. said Officers be made conformable thereto and for the more
P. R. O. convenient management of the premises Itt is by us the said
Deputyes Lieu^{ts} with the advice of his Lordship's Councill
thought meet and necessary that some one of the Deputyes
Lieu^{ts} or of his Ldp's Councill or some other eminent person
conveniently resideing for each County of the Province be
authorized and impowered in his Lordship's behalf to appoint
meet and fitt persons to be Officers for the severall Townes
within such County for the purpose aforesaid together with
sufficient power to such Officer to make and appoint Deputyes
under him for the better and more effectuall execution of his
place. And for the great and signall Trust and confidence his
Lordship reposes in W^m Digges of S^t Maryes County Esq.
Wee the said Deputyes Lieu^{ts} have given and granted and
hereby doe give and grant unto you the said William Digges
full power and authority in his Lordship's behalf to order &
appoint meet and fitt persons to be Officers for the severall
Townes allowed to be shipping places by Act of Assembly
within the said County of S^t Maryes for the purpose and intent
aforesaid together with sufficient power to such officers to make
p. 79 Deputyes under them as aforesaid Hereby requiring you that
by such Officers or their Deputyes you use your utmost diligence
care and vigilancy in prosecuting and seeing put into execution
the aforesaid severall Acts for Advancement of Trade and
whereas the said former Officers were immediately appointed by
us the said Deputyes Lieu^{ts} and Oath administred them for the
due execution of certain Instructions delivered them for the
purpose aforesaid The said Officers and every of them upon
due notice by you given are hereby required to surrender to
you the said Instructions the which you are to renew and the
same to regulate and make conformable to the last farther
additional Act made for the advancement of Trade And the
said Officers or such or any of them as to you shall seem meet
you have hereby power anew to appointe in the said Townes
for the purpose aforesaid or them or any of them to remove
and other meet and fitt persons in their Rooms to appoint as
aforesaid as likewise new Officers for such Townes as have not
yet had any appointed And the same or any Officer by you
appointed as aforesaid as often as to you shall seem to dis-
place and remove and others as aforesaid in their roomes to
appoint with the like power as aforesaid to make Deputyes to
all and every such Officers And you are hereby required that
the new Instructions by you to be given to the said Officers be
the same as the former Instructions to the Officers for Townes
were Only with such necessary Alterations as the last Addi-
tionall Act relateing to the Advancement of Trade requires
To the which in the giving the said Instructions And to the

other Acts made for the Advancement of Trade you are to have due respect and especiall regard as they take place of one another And the said Officers and every of them by you to be appointed as aforesaid are hereby required and commanded duely to observe all and every the Instructions and orders from you from time to time for the better and more effectuall prosecuting and putting into execution the said Acts and every of them And to the end the same may be the more punctually performed all and every such Officers as aforesaid shall first take the oath for the well and true execution of this Place hereto annexed (the which you or any other of his Lordship's Justices of the Peace have hereby Power to administer) And the said Officers and every of them are alsoe hereby required to render to you an accompt of their proceedings in the premises as often as you shall require the same and to receive such continuall necessary instructions for the purpose aforesaid as you shall think convenient according to the said Acts And further you shall render to us the said Deputyes Lieu^{ts} an account of your whole proceedings herein as often as you shall be thereunto required To hold to you the said William Digges all and every the powers and Authorityes hereby given you dureing Pleasure Dated at the Councill Chamber at the City of S^t Maryes the 20th day of November in the XIth yeare of the Dominion of the R^t hon^{ble} Charles &c. An: Dom: 1686

Liber B.
P. R. O.

p. 80

signed p order
Jam Heath Cl. Consil:

The Officer's Oath

Officers for } You A. B. shall swear that all and every the
Townes Oath. } orders and Instructions now delivered you or that
hereafter from time to time shall be delivered you from Coll:
William Digges relateing to the better putting into execution
the Lawes of this Province made for the Advancement of Trade
and Promoteing the Building of Townes you shall to your
Power well & truely observe & keep

Soe help you God.

The like Mutat Mutand: was directed to the severall Gentlemen aforementioned.

Coll: Stevens } The hon^{ble} Coll: William Stevens moved the
moves for ren: } Board That his Ldp by Commission bearing date
Com: to grant } the 6th of November 1683 impowered him to
Warrants. } grant warrants for Land in Sumersett County
and other parts adjacent according to his Lordship's then conditions of Plant^r Since which his Lordship has been pleased to alter his condition of Plantation and accordingly he the said

Liber B. Stevens hath acted notwithstanding his said Commission of the
P. R. O. which he desires the confirmation of this Board and Order for
continuance of the said Commission if soe be their Hon^{rs} think
fitt, the which was granted by the board and the proceedings
of the said Coll: Stevens according to his Ldp's conditions of
Plant^a now in force ratified and confirmed Notwithstanding his
said Commission and ordered that his said Commission be
continued to him with such alteration as the conditions of
Plantation now in force require, the which Commission and
alteration are as followeth viz:

p. 81 Coll: Stevens' old } Charles absolute Lord and Proprietary of
Com: recorded. } the Province of Maryland and Avalon, Lord
Baron of Baltemore &c.

To' our Trusty and Welbeloved Coll: William Stevens
greeting. Whereas by our conditions of Plantation of this our
Province bearing date the 2^d day of February last past as well
for severall reasons relating to ourself as for the ease and
benefitt of the Inhabitants of this our Province who may be
desirous to take up Land and Seat within the same Wee have
thought fitt and did by a late Proclamation under the Great
Seal of this our Province ordain our Secretaries of this our
Province (for the time being) to grant warrants to any person
or persons requiring the same for any quantity of land within
our said Province not already taken up nor reserved to our use
att the rate of £100. of Tobaccoe to be secured and paid to us
for every 50. Acres of land soe granted and at the yearly rent
of 2. sterling for every such quantity of 50 Acres except at the
Sea board side and the Hore Kills at which places Wee have
ordained that any person desirous to take up Land there for
their Incouragement to seat them parts should only pay 50£
of Tobaccoe and the yearely rent of 1. sterling for every 50.
Acres to be secured and paid to us And forasmuch as wee have
taken into our consideration the trouble and inconviency of
the Inhabitants of our County of Sumersett may be putt to in
comeing over to these parts to sue forth Warrants Wee have
thought fitt and doe hereby authorize impower and appoint you
the said Coll: William Stevens to grant warrants to any person
or persons requiring the same for any quantity of land in the
said County of Sumersett, the adjacent parts of Dorchester
County the Sea board side and Hore Kills according to the
tenor of our said conditions of Plantation of the second day of
February last past and to seal all warrants by you soe granted
with your own Seal and to make a due return into our Land
office of your Proceedings herein as often as you can con-
veniently as likewise all Bills which you take for such warrants
payable to us you are to return to our said Land Office
together with the account or list of the said Warrants To

have and to hold the said power and authority of granting Warrants according to our said conditions to you the said Coll: William Stevens durement our pleasure In Testimony whereof Wee have caused the Lesser Seal of this our Province to be hereunto affixed this 6th day of November in the 8th year of our Dominion over our said Province &c. An: Dom: 1683. Witness our self.

The Alterations of the aforegoeing Commission was endorsed on the back thereof as foll: viz:

* By the Deputy Gov^{rs} and Councill
November 20th 1686.

Order ren. Coll: }
Stevens' Com: to }
grant Warrants. }

Whereas since the date of the within Commission his Lordship the R^t hon^{ble} the Lord Proprietary hath altered his conditions of Plantations this Board doth allow confirm and hold for valid whatsoever the within named Coll: Stevens hath done pursuant to his Lordship's conditions of Plantation now in force (notwithstanding the alteration of the same) in all other things he having duely observed the within Commission. The Deputy Governors doe alsoe hereby continue the said Coll: William Stevens all and every the powers and Authorityes Granted him by his Lordship in the within Commission Saveing that he observe his Lordships conditions of Plantation now in force and in all other things as the within Commission directs To hold the said Powers and Authorityes to him the said Coll: William Stevens durement pleasure.

Signed p order
Jam. Heath Cl. Consil.

Att a Councill held at the City of S^t Marys
the 28th day of Feb: 1686.

p. 83

Present

The Hon^{ble} { Coll: Vincent Lowe
 { Coll: Henry Darnall
 { Coll: William Digges
 { Maj. Nicholas Sewall
 { M^r Clement Hill

The Hon^{ble} Coll: Wm. Digges produced to the Board the following order from his Lordship viz'

C. Baltemore

Gentlemen

His Lops ord^r for }
Coll: Digges Lease }
for his house }
Loc. Sig. }

Being informed by letters from Coll: Wm. Digges that he is lately removed with his family to S^t Maryes there to attend the business of the Secretary's office and as he further in-

Liber B. forms me has bought two Messuages and some land, there of
P. R. O. Mark Cordea which the said Cordea formerly purchased of
Garr^{tt} Vansweringen which Messuages and land together with
his removal has been very chargable to him for which reason
and because it is but the residue of a term of years he has pur-
chased of the said Cordea, it being part of some land formerly
leased to Lieut: Wm. Smith I have thought good for the better
encouragement of the said Digges to settle at S^t Maryes and
to improve his said purchase there to grant unto him and his
heires a lease of sixty one years of the said Messuages and
lands includeing in the said lease the Remainder of yeares he
bought of the said Cordea, and accordingly I hereby empower
you to passe unto him such a lease reserveing the old rent that
is now paid for the said land; and forasmuch as I'me informed
M^r Thomas Notley at the time of his being Gov^r did take upon
him to grant a new term of yeares to Vansweringen of the same
land, I doe hereby declare the said Notley had noe Comission,
orders, or ever any directions from me soe to doe and conse-
quently his Act in that particular was voyd which I have alsoe
thought fitt to signifie unto you, this being your Warrant
p. 84 Given under my hand and lesser seal at Armes this tenth day
of November 1686:

To our Deputy Governours
in Maryland

Order for } Whereupon the said Coll: Digges desired the
lease to be } order of this Board that his Lo^{ps} favour to him
drawn. } might be pursued. The which was by their Honours
imediately ordered according to his Lo^{ps} directions, and that a
lease be forthwith drawn for the same.

Att a Councill held at the City of S^t Maryes the 3^d day of March
Anno 1686.

Present

The Hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Coll. Wm. Digges
M^r Clement Hill

Then was the following informations taken before this Board
viz^t

Ed: Laramore } The information of Edward Laramore of Cæcill
Inform^a about } County aged about 30 yeares taken before the
Giles Porter. } Hon^{ble} the Councill

March the 3^d 1686.

This informant being duely sworn saith that sometime in

July last this informant was at the house of Phillip Bergen in the County aforesaid in company with the said Bergen M^r Blay Abraham Strand Fran: Child Ralph Chiffem and Giles Porter and an Irishman whoe is called Peter Dermot was in a kitchin near the room where this informant and his said Company was that this informant was often with the said Company from 10 in the morning till about an hour before sunne setting butt not continually there and that dureing the time he was in the said Company this Informant heard not any health drank that he remembers nor heard one word spoke concerning the Duke of Monmouth nor his present Majesty neither by the name of the Duke of York nor else That at the time afores^d this Informant left s^d Company except M^r Blay who went away just before this Informant and further sayes not. (signed)

Liber B.
P. R. O.

Edward E Larramore.

Jurat in Consil: die & Ann.
sup^r dict.

Jam: Heath Cl. Consil:

Ed. Blay Informant } The information of Edward Blay of Cecill p. 85
about Giles Porter } County aged about 33 yeares taken before the
Hon^{ble} the Councill the 3^d March 1686.

This Informant being duely sworn saith that sometime in July last about the 10th or 11th day this Informant was at the house of Phillip Bergen in the said County in company with the said Bergen M^r Larramore Peter Dermot Ralph Chiffem Francis Child Giles Porter and one M^r Strand and his wife (who is since dead) that this Informant was with the said Company from their first meeting until a little before sunn setting that dureing that time there was noe healths drank that this Informant knows of that there was some discourse about the Duke of Monmouths proceedings and some of the Company aforesaid (but whom this informant remembers not) said the Duke of Monmouth was still alive to which Abraham Strand made answer he was sure the Duke of Monmouth was taken off and was beheaded And that this informant heard not nor knows of any other discourse was had concerning the Duke of Monmouth or concerning his present Majestie neither by the name of the Duke of York nor else that this inform^t at the time aforesaid left the said Company together and further this informant knows not.

Edward Blay.

Jurat in consil: die & Ann. sup^r dict:

Jam: Heath Cl. Consil.

The Hon^{ble} Clement Hill Esq^r produced the following letter to him directed for their Hon^{rs} consideration viz^t

Liber B.
P. R. O.February the 24th 1686/7.May it please your Hon^rRob. Cooper's letr
to M^r Hill about
Neh: Blakiston

I being summoned to the Provin^l Court
in the behalf of M^r Blakiston concerning the
Island I told him I was not able to goe down
soe farr neither could I ride I being as your Honour knowes in
a very bad condition for a Horsman or to goe a foot but M^r
Blakiston promised to carry me down in his Boat and accord-
ingly he sent his Boat to my house for me on Monday last
being the one and twentyeth Instant and bringing me to his
house that night I thought wee should have gone down the
p. 86 next day but he examining what I could say in the business I
told him I knew nothing in the matter but sayes he doe not
you remember such and such things I answered noe but he and
his Company here-under written fell to drinking severall
healths and did there endeavour to make me drink but I
refrained as much as possible then some of his crew namely
John Payler and Will^m Goddard said I was a rogue and a
knave if I would not sware for M^r Blakiston but I denyeing to
forswear myself and severall words interveninge I called M^r
Blakiston knave with that he swore God dam him he would
stab me for a Papist old dogg soe I left the Company and
walked down to the landing to avoyd discourses with them
butt Payler and John Hoskins came to me and would faine me
goe in and perswaded me much on the Behalf of M^r Blakiston
but I told them I knew nothing of the matter and would not
dam my soul for noebodys pleasure then Hoskins called me
old Papist Dog and swore I would be damned if I did not
sware for M^r Blakiston.

A little before supper after some words past M^r Blakiston
and some strangers pretended I spoke Treason against the
King and my Lord and took pen, ink and paper to write, then
one would sware I spoke this thing and another that and that
they would have me down to S^t Maryes very speedily and
hang me soe that I could not know what to doe or say soe
being fearfull to goe down with them not knowing how they
might use and abuse me going down resolved to goe home
again being very doubtfull whether I was safe with them these
are therefore in humble sort to request the favour of your
Hon^r that if I am fined that your Hon^r would please to remitt
itt I would willingly as in duty I am bound obey my Lords
warr^t and would still come down but I am not able by reason
of my imperfection soe hoping your Hon^r will stand my friend
in this business I shall ever to my ability be your Hon^{rs} faith-
full servant to comand

Rob^t Coper.

The persons that were at M^r Blakiston's are John Payler Will^m Goddard John Hoskins Reine Lefeare the rest were strangers

Ordr to exam: } Whereupon itt was thought necessary by the
wit: about } Board that some examination be made into the
Rob: Cooper } matter complained of by the aforesaid Rob^t Cooper in his letter aforegoeing And ordered that the Hon^{ble} Clement Hill Esq^{re} have precept from this Board for that purpose the which was as followeth viz^t

By the Deputy Governors and Council.

Power to Mr Hill } Whereas Information has been given to this
to doe the same. } Board that meanes and endeavours have been used by some persons to suborn one Robert Cooper of S^t Marys County to give in false evidence in a Cause depending at Com^o Lawe between M^r Nehemiah Blakiston Plaintiff and M^r Justinian Gerrard Defendant these are therefore to authorize and empower Clement Hill Esq^{re} one of the Deputy Governors of this Province by his Sum^o under his hand in the name of the Right Hon^{ble} the Lord Proprietary to call and require to come before him at such time and place as to him shall seem meet such persons he can informe himselfe of that are able to give light in the premises (particularly John Payler William Goddard John Hoskins Reine Le Fevrier) and them and every of them upon oath to examine touching the subornation aforesaid and that the said Clement Hill make report of his proceedings herein to this Board with all convenient speed Dated at the Councill Chamber in the City of S^t Maryes the 3^d day of March in the XIIth yeare of the Dominion of the R^t Hon^{ble} Charles &c Anno: Dom: 1686.

signed p. order
Jam. Heath Cl. Consil.

The Hon^{ble} Clement Hill Esq^{re} these/

Att a Councill held at the City of S^t Maryes
the 5th day of March Anno 1686.

Present

The hon^{ble} { Coll. Vincent Lowe
 { Coll. Henry Darnall
 { Coll. William Digges
 { Maj^r Nicholas Sewall
 { M^r Clem^t Hill

Jos. Weekes
& ux Adm^{rx}
Randall pett.

To the Hon^{ble} his Lordships Councill

The Humble Petition of Joseph Weekes and
Ann his wife Adm^{rx} of Benj^a Randall Deced.

Liber B. Sheweth

P. R. O.
p. 88

That whereas Michael Miller the 1st day of December Ann: Dom: 1684 obtained Judgement against your Petitioners for the sum of 18446[£] of Tobacco Debt and 1210[£] of cost of suite, in the proceedings of which judgement great error hath happened to the detrement of your Pet^{rs} They therefore humbly pray that the Cause may come to a rehearing before his Lordship and his upper house of Assembly the next Generall Assembly now ensuing And in order thereunto that supersedias may issue upon the Judgement aforesaid and his Lordships writt of Error and Sci: Fa: to have the same before his Lord^p and upper House of Assembly at the next General Assembly to be held for this Province your Pet^{rs} giving security according to usual custome.

And they shall ever pray &c.

Whereupon was made the following order viz^t

Order. The Petitioners giving good security before either of the Secretarys for Treble the vallue of the debt and cost in the Petition mentioned Ordered that supersedias writt of error and Sci: Fa: issue as prayed.

signed p. order

Jam: Heath Cl. Consil.

Capt: Whittington
presents Memor^{ll}
abt Asseateague
Island.

Captain William Whittington of Summersett County presents to this Board the foll: memor^{ll} riall viz^t

To the Hon^{ble} the Councill

Maryland

Will^m Whittington humbly moveth your Hon^{rs}

That there is a certain Isthmus or Peninsula of Marish & Piney Hummocks called and known by the name of Asseateague Island lying and being on the Seaboard side within this Province containing at the least 15000 Acres the southward end of which is reputed to be within the bounds of Virg^a by which pretence some persons are about to take up or Pattent a considerable quantity thereof in the right of Virg^a under which notion (by reason the divisionall line between this Province & Virginia has not been yet run there) encroachm^{ts} may be made upon the right appertaining to the R^t Hon^{ble} the Lord Proprietor which may be an ill consequence for the future.

Wherefore it is humbly offered
to your Hon^{rs} mature considerations &c.

p. 89

Consider^a abt
Asseateague
Island.

Upon Consideration whereof this Board judges } it necessary the Divisionall Line between Virg^a
and this Province on the eastern shore be anew
run out but before they will give orderes thereabout think con-

venient his Lordship be writt to know his pleasure and pray
his directions concerning the same and that this matter be
added to the letter this Board will write to his Lordship about
Giles Porters Tryall

Liber B.
P. R. O.

Att a Councill held at the City of S^t Maryes
the 7th day of March 1686.

Present

The Hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Coll. Will^m Digges
M^r Clement Hill.

Richd Jones
appted Coroner
Kent County.

Ordered that Commission for one of the Coro-
ners of Kent County issue to Rich: Jones accord-
ing to the usual form thereof.

Att a Councill held at the City of S^t Maryes
the 8th day of March Anno 1686.

Present

The Hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Coll. Will^m Digges
Maj^r Nich^o Sewall
M^r Clement Hill

Assemb. ordered }
to be prorogued. }

Their Hon^{rs} not knowing of anything materiall
that requires the sitting of the Assembly att the
time appointed ordered that the same be prorogued till the
first Tuesday of November next and that Proclamation issue
for that purpose, the which accordingly as followeth viz^t

By the Deputy Lieu^{ts}
Maryland. A Proclamation

Whereas after several Prorogations the Generall
Assembly of this Province convened and mett att the
Citty of S^t Maryes upon the 27th day of 8ober last past
and there continued untill the 19th day of November following
and from thence prorogued untill the last Tuesday of May
next ensuing which said last Tuesday of May being now near
att hand and noe urgent occasions or affairs relateing to the
state or welfare of this Province at present offering which re-
quires the conveneing and sitting of the said Assembly on the
said last Tuesday of May Wee the said Deputys Lieu^{ts} have
thought fitt and doe hereby ordain that the said Generall
Assembly be prorogued untill the first Tuesday in November

Procln to
prorogue
Assemb:

p. 90

Liber B. now next coming to be then held att the Citty of S^t Maryes
P. R. O. aforesaid Hereby willing and requiring all and singular the
sheriffs of this Province to make publike proclamation hereof
accordingly in the most publick and convenient places within
their severall and respective Countyes and to give notice to all
and singular the Deputyes and Delegates of such Countyes
that (all excuses sett apart) they and every of them come and
personally appear at the said Citty of S^t Maryes on the said
first Tuesday of November next ensueing to doe and consent
to those things which shall be then and there by the favour of
God happen to be ordained by and with the advice and consent
of the great Councill of this Province concerning the state
and welfare thereof.

Given att the Citty of S^t Maryes afores^d under the
great seal of this Province the 8th day of March in the
XIIth year of the Dominion of the R^t Hon^{ble} Charles &c.
Anno. Dom. 1686.

| | |
|--|---|
| Coll. Lowe & Coll: | } Att the motion and request of the Hon ^{ble} Coll. Vincent Lowe and Coll. Will ^m Digges for the surveying and laying out for them Asseateague Island in Sumersett County viz ^t |
| Digges motion & | |
| order to survey Asseateague Island. | |

By the Hon^{ble} the Deputy Gov^{rs} and Councill

Ordered that the Hon^{ble} Coll: Vincent Lowe and the Hon^{ble}
Coll: Will^m Digges have liberty to survey and lay out a certain
Peninsula or Tract of land lyeing on the Sea board side in Sumersett
County (viz: soe much thereof that lyes within this Province)
comonly called or known by the name of Asseateague Island,
by Capt: Will^m Whittington one of the Deputy Surveyors of
Somerset County and certificate thereof under his hand of the
true number of Acres Cont^d to return to this Board with all
convenient speed and therein to certifie what and how much or
whether any of the said land hath been already taken up for
any person and upon the said return the said Coll: Lowe and
p. 91 Coll: Digges may if desired have order from this Board for
speciall Warrant to issue out of the land office to survey and
lay out the said tract or soe much thereof as is not already
taken up they giving caution for the same according to his
Lords^{ps} conditions of Plant^a now in force and that this be a suf-
ficient caveat upon Record against all persons surveying and
taking up the said land or any part thereof (not yet surveyed
and taken up untill such time this Board shall have signified
their resolutions upon return of the Cert: aforesaid. Dated at
the Councill Chamber the 8th day of March in the XIIth yeare
of the Dominion of the R^t Hon^{ble} Charles &c. Ann: Dom: 1686.

signed p order

Jam: Heath Cl. Consil:

James Heath by his } His Lordship haveing signified his pleas- Liber B.
Lordsp^s order app^ted } ure to one of their Hon^{rs} att the Board now P. R. O.
Clk Assemb: } present that James Heath Clk of the Coun-
cill should be made Clk of the Assembly the same is confirmed
to the said Heath by the Board and he constituted Clk of the
Assembly accordingly, M^r John Llewelin being hereby dis-
charged.

Comiss^o off: to } The Hon^{ble} William Digges produced to
Capt: Brandt app^{ed} } the Board a letter from Capt: Brandt of
Charles County the postscript whereof is as followes viz^t

Hon: Sir

I am much in want of Comissions for Officers of his Lo^{ps}
Troop under my Comānd viz^t Anthony Neale formerly Cornett
now Lieut: appointed Thomas Shuttleworth formerly Quarter-
master now Cornett and John Godshall eldest Corporall now
by right Quartermaster if approved by your Hon^r and the rest
of the Deputy Lieu^{ts} they are all deserveing and noe way con-
cerned in the late Rebellion I beg your Hon^r to order Comis-
sions and that they may be sent me with all conveniency

Yours ut Supra

Charles County Jan: 20th 1686. Rand^o Brandt.

Whereupon was ordered that Comissions issue according to
the request of Capt: Brandt aforesaid.

Att a Councill held att the Citty of S^t Maryes the 9th day of p. 92
March Anno 1686.

Present

The Hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Coll. Will Digges

Nich^o Lowe app^ted } Ordered that M^r Nicholas Lowe be made
Corr: Talbot County } Coroner of Talbot County and that he have
Comission accordingly

Att a Councill held at the Citty of S^t Maryes
Aprill the 28th day Anno 1687:

Present

The hon^{ble} { Coll. Henry Darnall
Coll. Will^m Digges
Maj^r Nicholas Sewall

To the hon^{ble} the Deputy Lieutenants in Councill

Maj^r Tho: Long } The humble Petition of Major Thomas Long
pet: } of Baltemore County

Liber B. Sheweth and in humble manner
P. R. O. representeth to your Hon^{rs}

That your Petitioner for 16 years past has had the Hon^r to serve his Lord^p as Comiss^r of Justice of Peace in his County of Baltemore and by orderly succession has been this 8 yeares the second of the Quorum in the said Commis^o; in which place he hath to the utmost knowledge skill fidelity and integrity served his Lord^p the R^t Hon^{ble} the Lord Propr^r as alsoe his good people within the said County and is not conscious to himself of the least misdemeanour by him committed any wayes deserving his Lo^{ps} or your Hon^{rs} displeasure yett notwithstanding to your Pet^{rs} great Grief and dissatisfaction of mind (in a late Comission for the said County) your Pet^r is left out as a person not capable or not worthy to serve his Lord^p in the quality he had soe long continued your Pet^r humbly throws himself at your Hon^{rs} feet and supplicates your Hon^{rs} to make him sensible wherein or how he hath incurred his Lord^{ps} or your Hon^{rs} disfavour (himself being altogether ignorant of what hath been the occasion of soe signall a displeasure) And if the same has not been through your hon^{rs} personall knowledge but by the information of some other person (as your Pet^r hath some cause to suspect) he humbly prays to be heard before your

P. 93 Hon^{rs} and if anything shall then appear before your Hon^{rs} that you shall think worthy of such discountenance your Pet^r will most willingly submitt to your Hon^{rs} determination But if other-ways then humbly prays your Hon^{rs} your Pet^r that you will be pleased some way to signifie the same soe as itt may take of that scandall, ignominy and reproach as your Pet^r by the occasion aforesaid lyes under among his neighbours as a person not thought worthy to serve but to be discarded from His Lord^{ps} and your Hon^{rs} favour. Not but that your Pet^r beleeves severall Gentlemen of the said County more worthy and capable to serve his Lord^p and the said County in the aforesaid capacity then your Pet^r and would be heartily glad your Hon^{rs} should excuse him but he then humbly prayes your Hon^{rs} itt may not be with disgrace to your Pet^r unless itt appears to your Hon^{rs} he deserves itt. And shall pray &c.

The aforegoeing Petition is referred to the first day of the next Provinciaall Court.

| | | |
|--|---|---|
| Maj ^r Long's order to sum ^o Coll: Wells. | } | And whereas the allegations in the Petition of Coll. George Wells in behalf of himself and County was the cause Maj ^r Long was left out in the last Comiss ^o for Baltemore County Ordered that the said Coll. Wells be summoned to make appear what in his said Petition he hath alleadged against the said Long the which summons issued accordingly as followeth viz ^t |
|--|---|---|

By the Councill

Liber B.
P. R. O.

Coll. Wells sumo

You are hereby required to make your personall appearance before his Lo^{ps} Councill at the Councill Chamber in the City of S^t Maryes upon the first day of the next Provinciaall Court then and there to answer to such matters as shall be complained of you by Maj: Thomas Long of your County and hereof you are not to fail as you will answere the contrary Dated at the Councill Chamber in the City of S^t Maryes aforesaid the 28th day of Aprill in the XIIth yeare of the Dominion of the R^t Hon^{ble} Charles &c Anno. Dom: 1687.

signed p order

To Coll: George Wells in
Baltimore County these

Jam. Heath Cl: Consil:

And ordered further that the aforegoeing summons be sealed up and by the sheriff of said County to be delivered to the said Coll: Wells.

P. 94

To the Hon^{ble} the Deputyes Lieut^s in Councill
The humble Petition of Major Thomas Long
of Baltimore County.

Sheweth

Maj: Tho: That your Pet^r being certainly informed M^r Miles
Long's pet: Gibson intends to lay down and resign his place of
sheriff of the said County y^r Pet^r haveing formerly had the
honour to serve his Lords^{ps} in that capacity wherein he hath
acquitted himself to the content and satisfaction of his Lo^p and
the said County in generall humbly prayes your Hon^{rs} he may
be admitted to serve his Lord^p as sheriff of the said County
for the yeare ensueing Assureing your Hon^{rs} he will use the
utmost of his diligence, care, fidelity and capacity for the ser-
vice of his Lord^p and County in the said quality, withall hum-
bly informing your Hon^{rs} that your Pet^r on this condition only
prays this favour of your Hon^{rs} that M^r Gibson is of himself
willing to resign his place the which if he does your Pet^r hum-
bly supplicates your Hon^{rs} order for Commis^o for said place upon
his giveing good security as in that Case required.

And shall pray &c.

Order for the place } Whereupon was ordered that if M^r Gibson
if M^r Gibson resign. } himself shall resigne his Place that then the
Petition is granted as prayed, and that the said Long giveing
security as usuall he to have Commission accordingly.

At the Court at Whitehall the 30th of Aprill 1687.

Present. The Kings most excellent Majesty in Councill.

Whereas on the 10th and 17th of July last past It was ordered

P. R. O.
Colonial
Entry Book,
Vol. 52.
P. 109.

P. R. O. that Mr Attorney should proceed by Quo Warranto against the
Colonial Charter granted to the Lord Baltemore's ancestors of the pro-
Entry Book, priety of Maryland as also against the Governors and com-
Vol. 52. panies of the Colony's of Connecticut Rhode Island and
Providence Plantation and against the Proprietors of East and
West Iersey and of Delaware all in America, His Majesty in
Councill this day thought fit to order and it is hereby ordered
that Sir Robert Sawyer Knight, his Majesty's attorney generall
do forthwith put the said order in execution by causing the
Proprietors of the aforesaid places to be prosecuted on the said
Writts according to law in order to the vacating of their severall
Charters or grants.

Memor^d for my Lord President
That his Majesty be moved

For the signification of his Pleasure concerning the writts of
Quo Warranto issued against the severall Proprietors and
Corporations in America.
Council Chamber
18th May 1687.

Liber B. Att a Councill held at St John's the 7th day of May Anno 1687.
P. R. O.
p. 94

Present

The hon^{ble} { Coll: Vincent Lowe
Coll: Henry Darnall
Coll: William Digges

Maj: Tho: Taylor } Was then taken into consideration the great
inconvent to be } inconveniency and prejudice caused by the re-
examiner generall } moteness of liveing and want of due attendance
of Maj: Thomas Taylor Exa^r or Deputy Surveyor Generall att
his office whereby the publick business of this Province is much
impeded resolved therefore that the said Maj: Taylor be dis-
charged from his said Place and that M^r Henry
Henry Brent } Brent of Calvert County be constituted and ap-
appted exam^r } pointed Examiner or Deputy Surveyor Generall
generall. }
p. 95 in his room and that Sum^o and order issue to the said Major
Taylor that 14 days after his receipt thereof he make his appear-
ance at St Maryes and there to some one of the Councill
deliver up what soever records relating to the said office, the
which order and sum^o issued as followeth viz^t

By the Deputy Lieut^s in Councill

Order to Maj: Taylor } You are hereby required that 14 days after
to come to St Maryes } receipt of this Sum^o you make your personall
& deliver records. } appearance at the City of St Maryes before
some one of his Lords^{ps} Councill and to him deliver all records,

transcripts, writings and papers whatsoever belonging or in any wise appertaining to the office of Exam^r Generall in order that the same be delivered unto Henry Brent of Calvert County Gentl: who is this day by Com^o constituted Examiner Generall for this Province therefore in that office you are alsoe hereby required to cease farther to act and that you take due notice of this Sum^o and order as you will answere the contrary dated at the Councill Chamber att the City of S^t Maryes the 7th day of May in the XIIth yeare of the Dominion of the R^t Hon^{ble} Charles &c.

Liber B.
P. R. O.

Anno. Dom: 1687.

signed p order

Jam Heath Cl. Consil:

To Maj: Thomas Taylor

late Exam^r Generall of this Province.

Was alsoe in favour of M^r Henry Brent made the following order till such time his Commission could be drawn.

Order for Mr Brent
to be Exam^r Generall. }

Ordered that M^r Henry Brent of Calvert County be and is hereby appointed Examiner or Deputy Surveyor Generall of this Province in the room of Major Thomas Taylor late Examiner and Deputy Surveyor Generall of the same and that he execute that office upon such Termes and with such fees and perquisites and profitts as were allowed and settled thereupon by his Lord^p in his conditions of Plant^a lately published within this Province Ordered that all the Books Papers and writings late in the Custody of the said Major Thomas Taylor relateing to the said place and office of Exam^r or Deputy Surveyor Generall be delivered to the said M^r Brent by such one of his Lords^{ps} Councill as shall receive the same from the said Maj: Taylor and that all the Returnes hereafter be to him the said Brent made by the Surveyors of this Province as in such cases is accustomed and hath been usually done to the Exa^r or Deputy Surveyor Generall heretofore.

Allan Smith
recom: to be Sher:
of Kent County. }

Att a Councill held att the City of S^t Maryes.
the 9th day of May Anno 1687.

Present

The hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Coll. Will^m Digges
Maj^r Nicholas Sewall

The Hon^{ble} Coll. Vincent Lowe recommended to this Board M^r Allan Smith of Kent County as a fitt person to serve his Lordship as Sheriff of said County for the year ensueing whereupon was debated whether M^r Edward Sweatnam present sheriff of the said County should not continue

Debate
thereabout

Liber B. in regard he had well behaved himself in said place and duely
P. R. O. accompted with his Lords^{ps} Treasurer Coll: Lowe then repre-
sented to the Board that although there be noe objection
against M^r Sweatnam yett he haveing had the benefitt of that
Place this 4 year and that M^r Smith is a very ingenious and
fitt person being alsoe responsible and haveing a good estate
of land in the said County is willing that other persons should
participate of his Lordship's favour as well as altogether one
man upon which considerations the Hon^{ble} Coll: Digges and
Major Sewall gave their consents for the displacing of the
said Sweatnam and appointing M^r Smith Sheriffe in his room.

Coll. Dar- The Hon^{ble} Coll. Darnall declares his disassent to the
nall disas- displacing M^r Sweatnam for that he had alwayes
sents, well behaved himself in his said place and duely ac-
compted with his Lords^p and that M^r Smith was a person he
had noe knowledge of and understood he came lately into the
County and was not possessed in right of himself of any land
in said County and therefore thought not convenient to dis-
place one whoe had given good proove of his diligence and
honesty to adventure on an uncertainty.

Ordered Sheriff. All which being considered itt was by Majority
of Votes resolved and ordered that M^r Edward
Sweatnam be discharged from being Sheriff of Kent County
and that M^r Allan Smith succeed him therein for the yeare
p. 98 ensuing he giveing good security att S^t Maryes such as shall
be approved of by the Hon^{ble} the Secretaries and thereupon
issued the following order viz^t

By the Deputy Lieut^s in Councill
May 9th 1687.

Allan Smith ord^r } Ordered that M^r Allan Smith be appointed
Com: Sher: Kent } Sheriff of Kent County for the yeare ensuing
County. } and that he have Commission accordingly the
said Smith first giveing good security for the said place att the
City of S^t Maryes such as shall be approved of by the Hon^{ble}
the Secretaries as in that case is usuall

signed p order

Jam Heath Cl. Consil:

To the Hon^{ble} the Secretaries
of this Province

Att a Councill held att the City of S^t Maryes
the 12th day of May Anno 1687.

Present

The hon^{ble} { Coll: Henry Darnall
Coll. Will^m Digges
Maj^r Nicholas Sewall

Sher: for Anno. } Then was the following order made for ap- Liber B.
1687 appointed. } pointing sheriffs for the yeare ensueing viz' P. R. O.

By the Deputy Lieut^e in Councill
May the 12th 1687.

The Sheriffs for the severall Counties were appointed for the year ensueing as followeth.

Calvert County M^r Michael Taney
Charles County M^r Robert Doyne
Baltimore County Maj^r Tho: Long according to former order.
Cæcill County Capt: Will^m Pearce
Sumersett County M^r Francis Jenkins
Kent County M^r Allan Smith according to former order.

Likewise M^r Garratt Vansweringen for S^t Maryes County
Maj: Peter Sayer for Talbot County M^r Henry Hanslapp for
Ann Arundell County and M^r Edward Pindar for Dorchester
County upon their obtaining certificates from his Lords^{ps} Treas-
urer for their well-accompting with him the year past are ap-
pointed for the said severall Countyes for the yeare ensueing
they and all others aforementioned giving security as in that Case
is usuall. signed p order

To the Hon^{ble} the Jam Heath Cl. Consil.
of this Province

Order of Councill to M^r Attorney and M^r Solicitor to prose- P. R. O.
cute the quo warrantos issued against the severall Proprietors Colonial
and Corporations in America. Entry Book,
Vol. 52.
p. 110

At the Court at Hampton Court
the 28th of May 1687.

Upon reading a Report from the Right Hon^{ble} the Lords of
the Committee for Trade and Plantations, It is this day ordered
by his Majesty in Councill that M^r Attorney and M^r Solicitor
Generall do forthwith proceed upon and prosecute the Quo
warrantos which have been issued or ordered to be issued
out against the severall proprietors and Corporations in America.

Att a Councill held at the City of S^t Maryes
the 9th day of June Anno 1687.

Liber B.
P. R. O.
p. 99

Present

The Hon^{ble} { Coll: Henry Darnall
Coll: Will^m Digges
Maj^r Nicholas Sewall

Cæcill County } Was taken into consideration the ill state
Com^{rs} considered. } the County of Cæcill att present is in by

Liber B. reason of the Differences among the Comiss^{rs} the which (as tis
P. R. O. represented to this Board) is chiefly occasioned by the factious
and turbalent spiritts of George Warner, Edward Jones and
Edward Blay, the said Jones alsoe reflecting upon the Govern-
ment by saying some men had Comissions for their lives as
appears by the following Depositions viz^t

Mr Richard Pullen sworn in open Court sayeth that the ninth
day of March att the house of Mr Richard Edmonds in Sassa-
frax River Mr Edward Jones did say unto him that he the said
Richard Pullen Maj^r Edward Inglish and he the said Richard
Pullen had a Comission to be Justices for their lifetimes and
further sayth not.

The same day Mr James Wroth sworn (as aforesaid) sayth
that the aforesaid Edward Jones at the same time in the same
place did say to Mr Pullen as follow viz^t You Dick you and
Major Inglish have a Comission for your lifetimes, butt Edward
Blay James Wroth Nicholas Allorne and Gideon Gundry are
to be turned out, and soe he the said Jones laughed att itt and
further saith not.

vera Copia p Phel Morrey Count: Cæcill Clk.

New Comisso ordered }
for Cæcill County. }

Whereupon their Hon^{rs} think fitt to make
some alterations in the Comissions of that
County and that in the new Commissions the said Warner,
Jones and Blay to be left out and in their rooms added Ephraim
Herman, Casparus Herman and George Stevens the which
Com^o was ordered as followeth viz^t

| | | | |
|---------------------------------|---------|---------------------------|------------|
| Maj ^r Edward Inglish | } quor: | Richard Pullen | } Justices |
| Nath: Garratt | | Gideon Gundry | |
| W ^m Dare | | James Wrath | |
| Eprha: Herman | | Nich ^o Allorne | |
| | | Casp ^a Herman | |
| | | George Stevens | |

p. 100 George Stevens }
App^{td} Corr: Cæcill }
County. }

Ordered that George Stevens be ap-
pointed Corroner for Cæcill County and
that he have a Com^o imediately and if Ed-
ward Jones has already had a Comission for that office that the
same be revoked.

Com: to press Pro- }
visions for Christina }
Fort. }

Ordered that the last ordered concerning
Christina Bridge be enlarged with these
words to press or cause to be pressed &c.
the which issued as followeth

By the Deputyes Lieut^s in Council
June 9th 1687.

Whereas Major Edward Inglish by order of this Board dated 26th May 1686. was impowered to procure provisions for his Lords^s souldiers at Christina Fort in Cæcill County the said Inglish is alsoe hereby authorized and impowered to press or cause to be pressed the Provisions in the said Order mentioned if other wayes he cannot procure the same and in all other things the said order of the 26th of May is to be pursued this being only an addition to the same

Liber B.
P. R. O.

Signed p order

Jam Heath Cl. Consil:

Att a Councill held at St Johns the 22^d day of July 1687.

Present

The Hon^{ble} { Coll: Henry Darnall
Coll. W^m Digges
Maj^r Nich^o Sewall

Rumour about Nanticoke Indians } Then was taken into consideration the
rising considered. } rumour lately spread concerning the rising
of the Nanticoke Indians and was read Maj^r
Sayer and Coll. Courseyes Letters touching the same the
which are as foll. viz^t

June 23^o 1687

May it please your Hon^r

Maj^r Sayer } I received this day a Letter from Coll: Henry
Letter about } Coursey a copy of which I have sent inclosed
Nanticoke Ind: } your Hon^r will by itt find there is something
that he highly resents but what that is I protest I know not, if
he should know that I sent down a copy it would make him
shie in communicating his thoughts to me, therefore if your
Hon^r thinks fitt I would not lett him know itt, It's I know none
of my province to advise I hope your Hon^{rs} will pardon me for
saying it were very requisite to write to him about this acci-
dent empowering him to comand me or any other to assist him
in the management of this affair he being the fittest man to be
imployed in any negotiation with the Indians being known to
the Cheif of all their nations the Rogues are very saucy and
if not checked in a short time will grow insolent, which makes
everybody willing to goe if they should comitt any thing that
would occasion a warr your Hon^{rs} orders for a generall muster
and for a review of the Armes and Ammunition scattered
about in every County would be highly necessary I am sure we
are ill provided at present either for offence or defence I beg

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Liber B. pardon and leave to kiss your Hon^{rs} hands and desire orders
P. R. O. as soon as possible which shall be faithfully executed by
Your Hon^{rs} most humble servant

superscribed
To the hon^{ble} Coll. Henry Darnall
at S^t Johns with speed and care
p M^r And: Abington q d c.
Peter Sayer

The Copy of Coll. Courseyes Letter in Maj^r Sayers Letter
above mentioned is as followeth viz^t

From my house at Trumphinton the 20th June 1687.

Coll. Courseyes } Maj^r Sayer
Letter to }
Maj: Sayer } About four dayes since I was sent to by the
about the } Emp^r of Nanticoke to demand three Englishmen
Nanticoke } to be delivered up to him to be put to death for
Indians. } that they had murdered one of his Indians at
Bush River, the Mess^r was his son and he peremptorily told me
that his Father would have the men sent to S^t Maryes but
delivered to himself and that noe other satisfaction should
satisfie. One of the men is M^{rs} Stanbys servant and a Free-
man in the same house and a third not far from thence yester-
day I happened to meet with M^{rs} Stansby and she told me it
was very true, with the discription of the occasion I doe much
fear (if it be not timely prevented) that some Mischief that way
may be done there being not less than 50 Indians of Nanti-
cokes now gone that way. To prevent the calamity that may
befall severall and likewise the Hazards of a warr in th^t Prov-
ince I would desire you to write to the Gentlemen that rules
the Province to acquainte them with it for certainly it will prove
an evill if not timely prevented the old Emp^r being dead they
have a good occasion to renew the league and to include this
mischief

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True Copy
Peter Sayer.
Serv^t
Henry Coursey.

Whereupon Coll. Darnall informed the Board that in the
absence of sufficient of the Deputyes Lieut^s to sitt in Councill
himself and M^r Clement Hill had sent the following precepts
to the chief officers of Baltemore, Cæcill, Kent, Talbot, Dor-
chester and Sumersett Countys viz^t

Order sent to }
Military Officers. } Whereas for the continuall safety and defence
of this Province it is requisite and necessary an
extraordinary care be taken that the Armes belonging to the
Magazines in each County be kept in good order and alsoe to
see that there be sufficient Provision of Ammunition for the
purpose aforesaid Wee doe therefore in his Lordship's name

hereby require you forthwith to cause all inferiour officers and souldiers under your Comānd to meet you at a Generall Muster by you to be appointed and that you there cause to prove and fix their Armes soe as to be in readiness at an houres warning for the service of his Lord^p in the defence of the Province and that you alsoe make report to the Deputyes Lieut^s at the City of S^t Maryes with all speed what quantity of ammunitiō of each sort you have ready for his Lords^{ps} service aforesaid, Given under our hands and Seales the 28th day of June 1687.

Henry Darnall (÷)

Clement Hill (^{Lo}_{sig.})

Liber B.
P. R. O.

And the said Coll. Darnall further reported to the Board that they had writt the following Letters to Coll. Lowe & Coll. Stevens viz^t

Coll. Darnall
and Mr Hill
Let^{rs} about
Nant: Ind:
to Coll: Lowe.

S^r

A few dayes since Maj^r Sayer sent hither an express of advice he had from Coll: Coursey that the Emp^r of Nanticoke had lately sent to him to demand three Englishmen that as they alleadged had killed an Indian of theirs and that the Emp^r would not be satisfied to have them sent down to S^t Maryes, that alsoe 50 of the said Indians are lately come into Baltemore County and its suspected with noe good intent and that they every where appear very insolent, the Secretaryes being gone into Virginia here was not sufficient of the Deputyes to give orders as the Case might require but however we think it absolutely necessary some preparatory Course be taken against the Secretaryes return or enough of the Deputyes meeting therefore have adventured to send a precept of the like nature to the Chief Officers of Baltemore, Cæcill, Kent, Dorchester and Sumersett Countys and have desired Coll. Stevens to goe to the Emp^r to know what tis he demands which is what by this occasion at present offers from

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Your humble servants

S^t Maryes June 28th 1687.

Henry Darnall

To the hon^{ble} Coll. Vincent Lowe &c.

Clement Hill

The Letter to Coll. Stevens follows.

Coll. Darnall
and Mr Hill
Letter to Coll.
Stevens about
Nant: Ind:

S^r

Wee lately received an express from Maj^r Sayer who gives us an acco^t that Coll. Coursey had lately advised him that the Emp^r of Nanticoke had lately sent to him to demand three Englishmen who they alleadged had killed an Indian of theirs in Bush River in Baltemore County, that the Emp^r would not be satisfied with their being

Liber B. sent down to S^t Maryes but positively demanded to have them
P. R. O. delivered to themselves, Coll. Coursey was not capable of giving them any satisfactory answers insomuch th^t wee are certainly informed they have sent 50. Indians to Baltemore County and there is reason to suspect for noe good intent and that every where of late they have appeared very insolent how this murther was comitted wee are not as yet particularly informed, but true enough it is that an Indian was killed by some English. It soe happens that the Secretaries are in Virginia and noe other of the Deputyes here at present to give such orders as might be thought necessary herein. Wee think the exigence of the Case requires some speedy course to be taken Wee therefore have sent to the chief Officers of Baltemore, Cæcill, Kent, Talbot & Dorchester Countyes a precept of the same nature of what is inclosed to your self for the purpose therein mentioned Wee farther think necessary that some fitt person forthwith goe to the Emp^r to know what tis he desires to be satisfied in and what he demands and when that is known to desire him to expect an answer from the Government which he shall speedily have as soon as they are acquainted with his Greivance and Wee cannot think any person soe capable to serve his Lords^p herein as your self to whose prudent management wee comitt this business desireing you to inform yourself what possible you can concerning the premises before you goe to the Emp^r and that you doe this with all expedition that soe wee may put ourselves in a posture for the defence of the Country And wee earnestly request you as soon as you have been with the Emp^r forthwith to come to S^t Maryes to afford us your assistance in ordering the necessary or with all speed to send us an account of your proceedings herein and your opinion in what state you beleve things to be, by which time we hope the Secretaries or some other of the Deputyes will be here soe wee comend to you most heartily our respects and rest

Your humble servants

S^t Maryes June 28th 1687.

Henry Darnall

To the hon^{ble} Coll. W^m Stevens &c.

Clement Hill

Letter from Coll:
Lowe about Nant:
Indians.

} Coll. Darnall likewise produced a letter he
received from Coll. Lowe some what relating
to the Indian affair which is as followes viz^t

Coll. Darnall

The bearer hereof came to my house this morning being the 11th of this Instant July being prest by Maj^r English they inform me that they hear that there was two families cut off in Baltemore County and that there were 800 in Armes in those parts but the certainty of it they cannot affirm on Thursday last

I had a generall muster and for my Lords armes they are well fixed and in good order and as for Bulletts I have one hundred weight in readiness and as for Powder but 50. weight having but 100 at first from my Lord and as for the other fifty I will be accomptable for and supply it the next shipping soe I think it convenient to send me up a Barr: of Powder by these men that bears this letter to you if you be assured of the truth of this newes, this is all at present from him that will alwayes be ready to serve his Lordship and Country.

Yours

Vincent Lowe

Councils considera
about Nanticoke
Indians.

} All which as well as all other circumstances
their Honours have heard relateing to a report
of the Nanticoke Indians intending warr

against the English being maturely considered was thereupon resolved that whereas this Board is informed that some English in Baltemore County have killed a Nanticoke Indian, which English the Indians themselves demanded to punish, the answere touching whom by Collonel Coursey given them, has been altogether dissatisfactory to them insoemuch that (as is informed) they have discovered noe good intentions towards

renewnt
of peace to
be proposed
to them.

the English That the Treaty made in 1678 with their old Emp^r Unnacocassinon be proposed to the present Emp^r to be renewed and that Coll: Stevens and some other persons he shall think fitt be im-

Coll: Stevens
to be sent
to renew
the same.

ployed to goe to the said Emp^r for that purpose, the which Treaty if the said Emp^r will refuse to continue this Governm^t will look upon them as enemies and that instructions be drawn to direct the said Coll: Stevens and those with him in the management of this affair the which was done and are as followeth viz^t

Instructions to Coll.
Stevens about Nant.
Indians.

} Instructions from the hon^{ble} the Deputyes
Lieut^s to Coll. W^m Stevens touching a Treaty
with the Nanticoke Indians.

Imp^{rs} You are to elect and choose such and soe many fitt persons of your County as you shall think convenient may be capable to assist you in a Treaty with the Nanticoke Indians of and concerning the following articles.

2^{ndly} You are to take with you a good party of horse to attend you (and a Company or two of foot if you shall think convenient) soe as you may appear in a good manner before the Indians and then with such persons you shall as aforesaid choose to your assistance you are forthwith to repair to the present Emp^r of Nanticoke and him and his great men in the name of his Lords^p and us his Deputyes kindly salute, you shall lett the Emp^r know you are come to renew the peace that

Liber B.
P. R. O.

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Liber B. upward of seaven yeares since his Lords^p the R^t Hon^{ble} the Lord
P. R. O. Proprietary and Unnacocassinon their old Emp^r concluded,
which we on our sides have kept most firm and inviolable and
are desirous to continue, confirm and preserve the same if soe
be he and his great men are willing.

3^{dly} If you find them well inclined towards the continuance
of a Peace you are then in most kind manner to give the Emp^r
an invitation to come down to S^t Maryes with his great men
and treat with us the Deputyes Lieut^s thereabout, where they
shall have all reasonable proposalls allowed of and agreed to,
and greivances redressed, and Provision made for the enter-
tainment of him and his great men.

p. 106 4^{thly} If you find them not willing to come down to S^t Maryes
let them know you have power to propose Articles for a con-
tinuation of Peace or a Confirmation of the old Articles Copy
where of are herewith sent you the which you are first to offer
them, and insist to have them confirmed but if they desire any
small alteration or addition provided it be not prejudiciall to
his Lords^{ps} interest and Countreyes service you may allow
thereof and the same shall be by us confirmed.

5^{thly} If they insist of satisfaction for the murther of their
Indian you may assure them they shall have all justice imagin-
able which an English man in the like case could have, and we
earnestly desire the Emp^r would send some of his great men
to be present at the examⁿ where they may see the justice wee
will doe them and let them know there is already orders sent
to secure the murtherers accused.

6^{thly} The Peace soe made you are to desire the Emp^r to send
some of his great men to S^t Maryes to have the same con-
firmed by us as you are in like manner sent to take the same
from them.

7^{thly} Yourself in person is desired imediately after the end of
such treaty to repair to S^t Maryes there to give us and the
rest of the Deputyes Lieut^s a full account of your Proceedings
herein.

Lastly If the Emp^r will neither conclude a peace with you
nor come over to doe the same with us the Deputyes Lieut^s
that you then for your own particular take such measures as
may put yourself and all under your comand in a Posture of
defence and that you give speedy advice to the chief officers
of the neighbouring Countyes to doe the like and in such case
yourself in person with all expedition to repair to S^t Maryes
there to give us and the rest of the Deputyes a full account of
the estate of affairs thereabout as likewise your assistance and
advice therein.

Given under our hands and seales the 22^d day of July
in the XIIth year of the Dom: &c. Ann: Dom: 1687.
Henry Darnall (sealed) W^m Digges (sealed) Nich: Seawall (sealed).

Lettr^r to Coll.
Stevens from
Councill about
his treaty
with Nant:
Ind:

The following letter was together with the afore-
going Instructions sent to Coll: Stevens from the
Deputyes Lieut^s viz^t

Liber B.
P. R. O.

Coll. Stevens.

Sir,

p. 107

The letter lately sent you by Coll. Darnall and M^r Hill touching the Indians will inform you what apprehensions we have of their ill designs against the English which letter and precept therewith sent wee approve of and now being sufficient of the Deputyes met to sitt in Councill have taken the same into consideration and beleieve it necessary and that his Lordsh^{ps} and the Countreyes service require that some able person be employed to the Indians to propose the renewment of the Peace made with their old Emp^r Unnacocassinon and to discover how they stand affected towards us and haveing had large and long experience of your provident management and circumspection in affaires of this nature think none more capable and fitt to undertake this business then yourself Wee think it convenient some one or more of your County be joyned with you herein but such persons we leave wholly to yourself to choose as by our inclosed Instructions you may perceive you may which Instructions we desire you with all expedition to pursue and as often as occasion shall require you dispatch messeng^{rs} to us to give us a continuall account of your management of this affair and your Proceedings herein as likewise we desire you if you apprehend any likelihood of a warr, that you with all speed account the Gentlemen of the neighbour Countyes there with, as alsoe if on the contrary you apprehend noe danger there of you give them the satisfaction of notice, Wee have information that the late Emp^r by some that wish not well to the English was poisoned and that the present Emp^r is little better than an Usurper which whether it be convenient to mention anything thereof to them we wholly leave to your prudence supposing you know better how matters stand with them then wee can doe at this distance, therefore have omitted the same in our said instructions, If the Emp^r and his Indians will come over hither (which we are very desirous of if you can persuade them) wee desire you to give us speedy notice thereof to make provisions accordingly and that by all meanes you afford us your company and assistance here at same time Wee desire you upon all the aforesaid occasions or any other you think may require it to press Boat and hands if by water and horse if by land and not wait other opportunityes soe wee comend ourselves most heartily to you and rest

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Your Lo: Friends

Henry Darnall
W^m Digges
Nicholas Sewall

S^t Maryes
July 22^d 1687

Liber B.
P. R. O.

Sher: St Maryes
County ordered to
press Boat to go to
Coll. Stevens

Was alsoe ordered that the sheriff of St Maryes County press Boat and hands to goe forthwith to Sumersett County to Collonel Stevens with the said letter and Instructions the which warr^a accordingly to the said Sheriff issued. Alsoe ordered that the Hon^{ble} Maj^r Nicholas Sewall press what amunition of powder he can possible for his Lo^{ps} and the Countrys imediate service.

The like order issued to Coll. Pye he to deliver what Powder he shall soe press to the order of the Deputyes Lieut^s

Sher: of Balt: Co:
to apprehend he that
murth: the Ind:

Likewise ordered that the Sheriff of Baltemore County have precept directed to him from this Board for the apprehending of the suspected murtherers of the Nanticoke Indian lately killed in Baltemore County and that he have their bodyes before the Justices of the next Pro: Court to be dealt with according to law, the which issued imediateley.

Severall Militia
Officers to ret: list of
the Militia.

And it was further ordered that the Clk of the Councill write to all the chief Militia officers in the Province to require them forthwith to transmitt to their hon^{rs} a true state of the Militia under their respective Comānds, the names of their Comiss^o officers with the dates of their own and their officers Comissions as alsoe an accompt of what Comiss^o officers are wanting and a list of fitt and honest persons to supply the same the which was by the said Clerk accordingly done to the persons following viz^t

Coll. Vincent Lowe in Talbot County
Coll. Henry Coursey in Kent County
Maj^r Tho: Taylor in Dor: County
Coll. W^m Stevens in Sum: County
Coll. W^m Colebourn in Sum: County
Coll: Henry Jowles in Calvert County
Coll. Edward Pye in Charles County.
Maj^r Nich^o Gassaway in Ann Arr: County
Maj^r Edward Dorsey in Ann Arr: County
Coll: George Wells in Baltemore County
Maj^r Edward English in Cæcill County

And for their Hon^{rs} present they will return their respective lists themselves

p. 109 Att a Councill held at St Maryes the 14th day of August 1687.

Present

The Hon^{ble} { Coll: Henry Darnall
Coll: W^m Digges
M^r Clement Hill

Major Taylor to deliv
Exa^r Generall Records
to Mr Brent vide
fol: 95 and 96.

Major Thomas Taylor of Dor: County } haveing informed some of their Hon^{rs} that
} his sickness has been the occasion of his not
} comeing over according to Summons from

Liber B.
P. R. O.

this Board touching his delivery up of the Records belonging to the Exa^r Generall's office at the City of S^t Maryes It was thereupon ordered that an order issue to the said Taylor from this Board to deliver the said Records &c to the said Brent and that he forthwith transmit a list thereof to their Hon^{rs} the which order to the said Major Taylor accordingly issued.

Coll. Stevens Treaty
with the Nanticoke
Indians.

Coll. Stevens made return of the Instruc-
} tions touching the Nanticoke Indians to him
} sent as followes viz^t

Sumersett County
Maryland ss./ August the 11th 1687.

Met at the house of Capt: John Winder in Wicocomico River in the County aforesaid.

Coll. W^m Stevens

Coll: W^m Colebourne

M^r Fran: Jenckins

} especially nominated and chosen
} by Coll: W^m Stevens for Assis^{ts}
} accord: to Comiss^o &c.

M^r Christopher Nutter Interpreter and John Mallet alsoe his Assistant.

Met at the time and place of Indians as followes.

Opeter Brother to the late Emp^r Unnacocassinon

Cotah

Omapatoe

Wannamah

Hamatoh War Capt:

Passemeaca

Chinopah

} great men

The persons above mentioned met in pursuance of a Commission dated the 22th of July 1687 from the Hon^{ble} the Deputyes Lieut^s in Councill directed to Coll: W^m Stevens, Opeter as chief and he with the great men was kindly saluted according to Instructions many matters were discoursed of touching the late Emp^r and the league made with him and the renewing of the same touching which Opeter and the great men exprest themselves very ready free and willing to doe And have agreed for the more convenient confirming of the same that thirty dayes hence ten of their great men whereof Opeter to be one will goe over to S^t Maryes to meet all the Deputy Gov^{rs} to settle matters it is agreed alsoe that Coll:

Liber B. Stevens and Interpreters are to goe over with them, order is
P. R. O. taken for their Transportation and accomodation in the Voyage
over the Bay.

Will. Stevens
W^m Coulborne
Francis Jenckins

Att a Councill held at the City of St Maryes Sept^r 14th 1687.

Present

The hon^{ble} { Coll: Vincent Lowe
Coll: Henry Darnall
Coll. W^m Digges
Coll. W^m Stevens
Maj^r Nich^o Sewall
M^r Clement Hill

James Cullen appted }
Clk Ass^t Councill.

At the humble request of James Heath Clk
of the Councill, he being indisposed and un-
capable to officiate himself James Cullen was appointed Clk
Assistant to the Councill.

Nanticoke Indians }
appearee

The Nanticoke Indians viz^t Ohopperoon alias
Opeter, Hamatoh, Warr^r Capt: Ashinnak, Wat-
tenan Great men, according to their promise made to Coll:
Stevens came and presented themselves before the Board in
friendly manner, Christopher Nutter Interpreter was ordered
to acquaint them that the great men of this Government tooke
well their comeing over in such good manner, and that they
were ready and willing to doe them any good offices and re-
dress any greivances they had to offer, Opeter made return of
very good expressions towards the English, and prayed that
they might have pattent for their land, alleadging the English
take it up from them and give them noe Coates for it, sayes
alsoe that 4 Beaver hath been taken from them by some
English, and humbly prayed a free trade with the English, to
all which they were told they might expect an answere to-
morrow, the said Indians likewise seemed satisfied to the re-
newment of the Peace made with their old Emp^r, and were for
the present dismissed.

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Att a Councill held at the City of St Maryes Sept^r 15th 1687.

Present as yesterday.

Consid: ab. Tryall }
Long Tom the Indian
for ravishing a
woman.

It was taken into consideration in what
manner the Indian called Long Tom should
be tryed being now a Prisoner for ravishing
an English woman And it was the opinion
of this Board that he should be tryed by the statute law.

Ind: Land at Nant: } Ordered that Samuell Cooper one of the Liber B.
to be sur: and Plot } Deputy Surveyors of Sumersett County sur- P. R. O.
ret: }vey and lay out the Indians land at Nanti-
coke allotted by Coll: Stevens and als and that he return a Plott
thereof to this Board with all convenient speed.

Order for Proc: } Ordered that Proclamation issue forth to
for liberty to trade } give generall lycence to the Inhabitants of this
with Indians. } Province for one year to trade freely with all
Indians in friendship and amity with the English for any Truck
whatsoever provided they trade not for flesh (except dear and
wild fowl) nor for strong drink the which Proclamation issued
as followes viz:

Maryland ss./ By the Deputyes Lieu^{ts}
A Proclamation

Proc: for liberty } Whereas for divers reasons of state by us
of Trade with Ind: } the said Deputyes Lieu^{ts} together with the
advice of his Lord^{shps} Council being duely considered wee think
it necessary for the generall good of this province that for the
ensueing yeare a free toleration of trade be permitted with all
Indians in amity with the English of this Province for any
Truck whatsoever except all strong drink and all manner of
Strong drink } flesh (but Dear and Wild fowl) wee doe therefore
and flesh } hereby give liberty to all and every the Inhabitants
but dear } of this Province for the year ensueing only (begin-
& wild fowl } ning the same at the date of this Proclamation) to
excepted. } trade freely with all Indians whatsoever in amity with the
English of this Province for any Truck whatsoever except all
manner of strong drink and all flesh (but dear and wild fowl)
and the severall and respective sheriffs of this Province are
hereby required to make publick Proclamation hereof in the
most publick Places of their Countyes. Given at S^t Maryes
under the great seal of this Province the 15th day of Sept^r in
the XIIth yeare of the Dominion of the Rⁱ Hon^{ble} Charles &c. p. 112
Ann: Dom: 1687.

Henry Darnall Keeper.

Nant: Ind: appear } The Nanticoke Indians that were yester-
Ahopperoon alias } day here, presented them selves before the
Opeter chose Emp^r } board again, and it was demanded of them
who among them was chief that they might apply themselves
unto him and they all answered Ohopperoon alias Opeter
Brother to their old Emp^r Unnacocassimon he should rule
over them, where upon the Board told them they well approved
of their Choice and soe proceeded to the renewing of the
treaty made with their old Emp^r by his Lordship to all which
being read and interpreted unto them they seemed to consent

Liber B. and at their next meeting would confirm Some great men of
P. R. O. the Pocomoke Indians came and presented them-
Pocomoke Ind: selves before their Hon^{rs} to witt Eenamicho
appr abt Long selves before their Hon^{rs} to witt Eenamicho
Tom for Wannucha and Thom, and desired to be
ravishing woman. informed touching the English Law about ravishing
women, as being the case now of one of their Indians called
Long Thom—to which it was answered them by the Board
that the English Law is if a man lye with a woman against her
consent he shall be hanged and if with her consent only whipt
not being lawfull man and wife—the which the Indians under-
standing said they would take care for the future not to offend
and prayed that for this time they might be excused.

Att a Councill held at S^t Maryes the 19th day of September 1687.

Present

The hon^{ble} { Coll. Vincent Lowe } The hon^{ble} { Coll. W^m Stevens
Coll. Henry Darnall } Maj^r. Nich^o Sewall
Coll. W^m Digges } M^r Clement Hill.

Long Thom the Peco: } Came both the Nanticoke and Pocomoke
Ind: to be whipt for } Indians and presented themselves before
lyeing with woman } their Hon^{rs} and the Pocomoke Indians were
given to understand that their Indian called Long Tom was not
found guilty of ravishing the woman but lying with her with
her consent for which he was ordered to be whipt, but that
security would be demanded for his good behaviour for the
future, the which they faithfully promised to use their
endeavours to restrain him from committing any more faults.

Articles of Peace } Then was the Articles of agreement made
agreed with Nant: } by his Lordship and Unnacocassimon late
Indians. } Emp^r of the Nanticokes confirmed by their
p. 113 Hon^{rs} and Ahopperoon with the addition of an Article that if
any Indian commits an offence against the English he should
be tryed by the English law and if an English man commit an
offence against an Indian he should be tryed by the same law
the which Instructions follow in these words viz:

Maryland ss. Articles of Peace and amity which were con-
Articles of } cluded and agreed upon between the R^t hon^{ble}
Peace with } Charles absolute Lord and Proprietary of this Prov-
Nant: Ind: } ince &c and Unnacocassimon Emp^r of Nanticoke
the 28th of March 1678, Are now this 19th day of Sept^r 1687
confirmed and continued to be held inviolable between the
Hon^{ble} the Deputyes Lieut^s for and on behalf of the said Lord
Proprietary and Ahopperoon elected and chosen by the great
men of Nanticoke to treat with the said Deputyes Lieut^s the
which are as followeth viz:

Imp^{rs} It is agreed upon that from this day forward there be inviolable Peace and Amity between the R^t Hon^{ble} the Lord Pro^v of this Province and the Emp^r of Nanticoke upon the Articles hereafter in this treaty to be agreed upon to the worlds end to endure and that all former Acts of hostility and damage whatsoever by either party sustained be buried in perpetuall oblivion. Liber B.
P. R. O.

2: That the Emp^r of Nanticoke shall deliver up all Indians that shall come into his Dominion that are or shall be enemies to the English and further that if any Indian subject to the said Emp^r shall hereafter kill an English man that the said Emp^r shall be obliged to deliver such Indian up to the Governour of this Province as a Prisoner.

3: Forasmuch as the English cannot easily distinguish one Indian from another, that noe Indian shall come into any English Plantation Painted and that all the Indians shall be bound to call aloud before they come within 300 paces of any Englishman's cleered ground and lay down their Armes whether Gun, Bowes or Arrowes or other weapons for any English man who shall appear upon his call to take up and in case that noe one appeares that he shall there leave his said Armes if he come nearer and that afterwards by calling aloud endeavour to give notice to the English of his nearer approach And if any Englishman shall kill any Indian that shall come up painted and give such notice and deliver up his armes as aforesaid he shall dye for it as well as an Indian that kills an English man and in case the English and Indians meet in the woods accidentally every Indian shall be bound imediately to throw down his Armes upon call and in case any Indian soe meeting an Englishman shall refuse to throw down his Armes upon call he shall be deemed as an Enemy. p. 114

4: The Priviledge of hunting, crabbing, fowling and fishing shall be preserved to the Indians inviolable.

5: That every Indian that killeth or stealeth any Hogg or Calf or other beast or any other goods shall undergoe the same punishment that an Englishman doth for the same offence.

6: In case any servants or slaves run away from their Masters or children from their Parents and come to any of the Indians townes within the Territorys of Ahopperoon and his subjects they be bound to apprehend the said fugitives and bring them to the next English Plantation to be conveyed to their Masters and in case any Indian aforesaid shall convey or assist any such fugitives in their flight out of this Province that he shall make their respective Master or Mistress of such servant or slave such satisfaction as an Englishman ought to doe in the like case.

Liber B. 7: That the Emp^r shall not make any new Peace with our
P. R. O. Enemies nor shall make any warr without the consent of the R^t
Hon^{ble} the Lord Proprietary for the time being.

8: In case the said Ahopperoon or any Indian subject to him shall kill Ababcoe or any of his Indians or any other in Peace and Amity with the said Lord Proprietary shall be esteemed as great an offence as killing an Englishman.

9: That in case any Indian or Indians of any other Nation or Nations shall come within his Dominion or Territory and shall by him or other Indians under him be entertained and that of them the said Indians shall kill any English or kill or destroy any hogges, Cattle or horses, or shall break up any English mans house and steal his or their goods that the said Ahopperoon shall be responsible for the same and in case hereafter he shall have knowledge of any murder^r that killed David Williams or any of his family that he shall be thereby engaged
p. 115 to deliver him up to M^r Thomas Walker or any other Magistrate to be by them conveyed to the Governor as soon as found.

10: That Ahopperoon shall pay yearly to the use of the Lord Proprietary four Indian arrowes every yeare on the 20th day of October to M^r Hutchins as an acknowledgment to his Lords^p and as a token of the continuance of the Peace.

Lastly. It is further agreed that in case any Indian comitts any offence against the English that they shall be tryed by the English and punished according to the English law and if in case any Englishman comits any offence against the Indians, in like manner shall be punished according to the same.

| | | |
|------------|-------|------------------|
| Ahopperoon | marke | Emp ^r |
| | + | |
| Nanticoke | | his |

Presents made to } Their Hon^{rs} the Deputyes then presented
the Nant: Emp: } the aforesaid Emp: with a laced Coat a shirt
and hatt the which he very thankfully accepted, and with great satisfaction the Indians then departed and took their leaves of their Hon^{rs}

Coll: Wells appa } Coll. George Wells of Baltemore County
and discharge. } being summoned to appear here this provincial Court touching a complaint by him made against Maj^r Tho: of said County appeared accordingly and noe person coming to object anything against him was dismissed

Order Com^{rs} St Ma: } Ordered that a writt issue to the sheriff of
County to lay leavy. } S^t Maryes Co: to call together the Justices to lay the leavy of said County the first Tuesday in 8ber next.

Att a Councill held at the Citty of S^t Maryes the 21st day of Sept^r 1687. Liber B.
P. R. O.

Present

The Hon^{ble} { Coll. Vincent Lowe
Coll. W^m Digges
Coll. W^m Stevens
Maj: Nich^o Sewall
M^r Clement Hill

Order procl: to } Ordered that Proclamation issue for pro-
prorogue Assemb: } roguing the Assembly untill the first Tuesday
in 8ber 1688 provided that there be no emergent business
sooner to call them the which issued as followes viz: p. 116

Maryland ss./ By the Deputyes Lieut^s
A Proclamation

Procl: to prorogue } Whereas the generall assembly of this
Assembly. } Province was prorogued untill the first Tues-
day of 9ber next and for that noe occasion relateing to the state
or welfare of this Province at present offers that requires the
sitting of the said Generall Assembly upon the said first Tues-
day in 9ber next we the said Deputyes Lieut^s with the advice
of his Lords^{ps} Councill have thought fitt to prorogue the said
Generall Assembly is hereby prorogued untill the first Tuesday
in October which shall be in the year of our Lord 1688,
(unless anything unexpected concerning the welfare of this
Province happen to intervene and that then notice shall be
given to the Deputyes and Delegates of the severall Countyes
by Proclamation) and the severall and respective sheriffs of this
Province are hereby strictly required and comāded to make
publick Proclamation hereof in the most publick places of their
Countyes and to give notice to the Deputyes and Delegates of
the severall and respective Countyes that all excuses sett apart
they and every of them be and personally appear at the Citty
of S^t Maryes upon the said first Tuesday in 8ber which shall be
in the year of our Lord 1688 then and there to doe and consent
to such things which shall by the favour of God happen there
to be ordeined and enacted. Given at S^t Maryes aforesaid the
21th day of Sept^r in the XIIth yeare of the Dominion of the R^t
Hon^{ble} Charles &c. Anno. Dom: 1687.

Henry Darnall Keeper

Coll. Henry Darnall } To his Lo^{ps} hon^{ble} Councill sitting at
entred & took his place } S^t Maryes in Councill.
at the Board.

The humble Petition of Tho: Smith of Calvert County.

Liber B. Thomas Smith pet:

P. R. O.

Most humbly sheweth.

p. 117 That whereas Michael Taney Gent: high sheriff of Calvert County upon the 23th day of June An: Dom: 1687 at a County Court holden at Calvert Town for the said County of Calvert did recover judgement against your Petitioner for 1472^{lbs} of Tobaccoe with cost of suite being the four fold of one hhd. of Tobaccoe of the neat quantity of 368^{lbs} of Tobaccoe marked with the proper mark of the said Michael Taney which your Petitioner being the receiver of the Tobacco of one Samuel Young in the said County by the order and appointment of the said Samuel Young he the said Young telling your Pet^r he had an order under the hand of the said Michael Taney for the said hhd. of Tobaccoe did scratch out the mark of the said Hogs^d of Tobacco and received and marked the said hhd. of Tobacco for the use of the said Young (not in contempt of the Act of Assembly in such cases made and provided nor intentionally to doe any Injury or wrong to the said Michael Taney) but verily beleev^g that the said Young had an order for the said hhd. of Tobacco as he did protest he had in writeing under the hand of the said Michael Taney, and your Petitioner understanding that the said Act of Assembly doth provide against all such person or persons which doth offend in such cases, shall stand in the Pillory with his offence writ upon his back. Now your Pet^r humbly prayes your Hon^{rs} to take the premises into your serious consideration that what your Pet^r did in that behalf was by the false suggestions of the said Young and not in contempt of the said Act of Assembly and to order the Clk of his Lo^{ps} indictments for Calvert County not to prosecute your Pet^r whereby he may be brought to that disgrace to stand in the Pillory. And your Pet^r as in duty bound will ever pray &c.

The said Pet^r Smith produced a Certificate under the hands of the Com^{rs} of Calvert County as followeth viz:

To the Hon^{ble} the Deputyes Lieut^s of this Province

Com^{rs} Calvert County } Whereas, Michael Taney Gent: high
Cert: abt Tho. Smith. } Sheriff of Calvert County upon the 23th day
of June A. D. 1687. at a County Court holden at Calvert Town for the said County of Calvert hath obtained Judgement and recovered against one Thomas Smith the bearer hereof the sum of 1472^l Tob: with cost of suite being the four fold, for that he the said Thomas Smith did confess in Court that he the said Smith being the receiver of the Tobaccoe of one Sam. Young a Merchant did scratch out the mark and dispose of

one hhd of Tobacco marked with the mark of him the said Michael Taney of the neat we' of 368^l of Tob: to the use of the said Sam. Young which he the said Michael Taney by his Receiver had received of one Richard Brooke in Lyons Creek contrary to a certain Act of Assembly in such cases made and provided, and that he the said Thomas Smith did confess in Court that he did scratch out the mark of the said hhd. of Tobacco by the order and appointment of the said Samuell Young he the said Young saying and persuading him the said Smith that he had an Order in writing under the hand of the said Michael Taney for the same hhd. of Tobaccoe. Now Wee whose names are hereunto subscribed doe certifie your Hon^{rs} that wee doe verily beleeeve that the said Thomas Smith did scratch out the mark of the aforesaid hhd. of Tobacco by the order and appointment and perswasion of him the said Young telling him th^t he had an order in writeing under the hand of the said Michael Taney for that very hhd. of Tobacco soe what the said Smith did therein was ignorantly done by him beleeeving that the said Sam. Young told him the truth and not in contempt of the said Act of Assembly or to doe any manner of wrong to the said Michael Taney and that to our knowledge the said Tho: Smith hath been alwayes accepted accompted reputed and esteemed to be a very honest, civill and creditable person of good name and fame clear from all manner of evill behaviour towards his Lord^{sh} and his good people therefore at the request of him the said Thomas Smith Wee humbly pray your Hon^{rs} to be pleased to give order to his Lo^{ps} Clk of his indictments for Calvert County that the said Thomas Smith may be no further prosecuted for the said Fact and to remitt the punishment for the same In testimony whereof we have subscribed our names dated this 30th day of June Anno. Dom: 1687.

| | |
|-------------|-------------------|
| Rich. Ladd | Ric. Morsham |
| Geo. Lingan | John Craycroft |
| Tho. Brooke | Francis Hutchins. |

Tho. Smith sentence
to stand in Pillory
remitted.

Whereupon their Hon^{rs} granted the afore-
goeing Petition as prayed and the Clk of the
indictments of Calvert County is hereby
ordered not to prosecute the Pet^r upon the matter in his Peti-
tion prayed.

Com^{rs} of Talbot and
Sum: County to lay
the Leavy.

Ordered that Writts issue to the Sheriffs
of Talbott and Sumersett Countyes to call
together the Justices of those Countyes to
lay the leavy att their first convenience.

Ordered Procl: to
issue about Townes.

Ordered that Proclamacion issue to quicken
the Inhabitants to goe forward with the

Liber B.
P. R. O.

p. 118

Liber B. Townes and that the Com^{rs} take care to provide weights and
 P. R. O. scales as is provided in the Act of Assembly for Townes that
 all Masters of ships or other vessell shall shew their Certificate
 p. 119 for all Tobaccos by them taken on board from the Town
 where it was loaded to the officer of any Town where they
 come by or near (if he desire it) for his satisfaction the which
 Proclamation issued as followes viz:

Maryland ss./ By the Deputyes Lieut^s
 A Proclamation

Procl: about Townes. Whereas by an Act of Assembly made at a Generall
 Assembly held at the City of S^t Maryes the 27th day
 of 8ber 1686. Intituled A farther Additionall Act to the Act
 for Advancement of Trade and to the supplementary Act to
 the same (the which hath not only been confirmed and highly
 approved of by his Lord^{sh} the R^t Hon^{ble} the Lord Proprietary
 of this Province, but by him comanded that the same be strictly
 observed) and forasmuch as wee are certainly informed that
 divers Masters of shippes and other vessells doe contemn and
 neglect to obey the said Act in the particular clause relateing
 to the entry of their Tobaccos with the Officers for Townes
 for whereas it is in the Act aforementioned enacted that all
 Tobaccos or other goods of the growth of this Province shall
 be brought to some Town allowed of for shipping and be there
 entred with the Officer for that purpose appointed of whom
 Certificate for the same is to be taken divers masters of ships
 have and doe refuse to make entry with the said Officers as
 the Law requires and alsoe to produce their Cert: to the said
 Officers if they have taken Tobacco at any other Port or Town
 from the Officer of such Town by which meanes many Frauds
 are dayly comitted in the execution of the said Act Wee the
 said Deputyes Lieut^s with the advice of his Lo^{ps} Councill
 haveing taken the Premises into considerations doe hereby
 strictly comand require and injoyne all Masters of shippes and
 other vessells trading into this Province and all other persons
 whatsoever resideing within the same, that not only that noe
 Tobaccoe nor other goods of the growth of this Province be
 presumed to be laden on board any ship or vessell untill the
 same has been as by the law is required duely entred at some
 town appointed for shipping but that all Masters of shippes and
 other vessells and all other persons whatsoever concerned
 haveing Tobaccoe on board at any Port doe make Entry with
 the Officer for that Port or produce to such Officer a Certificate
 under the hand of the officer from whence he takes the said
 Tobaccoe that he has duely made Entry thereof according to
 p. 120 Law otherwise and upon refusall whereof such Master shall be

proceeded against according to the utmost rigour of the Law. Liber B.
P. R. O.
Furthermore the Justices and Com^{rs} of the severall Countyes of this Province are hereby strictly required that they be not wanting in sending for weights and Scales as by the said Act they are required under pain of being proceeded against according to the utmost rigour of the Law and incurring his Lo^{ps} high displeasure and the severall and respective Sheriffs of this Province are hereby required to make publick Proclamation hereof in the most publick places of their Countyes Given at S^t Maryes aforesaid under the Great Seal of this Province the 21th day of September in the XIIth year of the Dominion of the R^t Hon^{ble} Charles &c Ann: Dom: 1687.

Henry Darnall Keeper.

Att a Councill held at the Citty of S^t Maryes the 22th day of Sept^r 1687.

Present

| | | |
|------------------------|---|---|
| The Hon ^{ble} | { | Coll. Vincent Lowe |
| | | Coll. Henry Darnall |
| | | Coll. W ^m Digges |
| | | Maj ^r Nich ^o Sewall |
| | | M ^r Clement Hill. |

| | | |
|---|---|---|
| New Comisso for Charles County ordered. | } | Ordered that new Comission for the Peace |
| | | and Tryall of Causes issue for Charles County |

M^r John Stone and Capt. Causeen to be the first in the Quorum and Capt: W^m Barton the next that M^r John Addison be added to the new Comiss^o as a puny Justice and that W^m Smith for scandelous liveing and behaviour be left out and that the rest of the Justices be in their Places as in the last Comiss^o and likewise ordered that a writt issue to the Sheriff of Charles County to call together the Justices of the said County to lay the leavy soe soon as he can with conveniency.

| | | |
|---------------------------------------|---|--|
| New Comisso for Talbot County ordd | } | Ordered that new Comiss ^o for the Peace |
| | | and Tryall of Causes issue for Talbot County |

to be added to the new Comiss^o Michaell Turbot, James Smith and W^m Finey and to be left out for refusing to take the oath of a Justice

| | | |
|--|---|--|
| Deputy Surveyrs to correct their Errors Ex. officio. | } | Ordered that Thomas Smithson Deputy |
| | | Surveyor shall Ex officio survey over all such |

parcell of lands as the Certificates are found faulty by the Exa^r Generall And that he doe ascertain all the courses and distances as well in the Cert: of each parcell of land as in the Plott thereof to be sent to the Exa: Generall de novo And this in like manner to be done by all Deputy Sur- p. 121
veyors.

Liber B. Order abt Exa. Gen: } Ordered that all the Records belonging to
P. R. O. Records. } the Exa: Gen: Office shall be delivered by
Vide fo: 95. 96. III. } Maj: Thomas Taylor to M^r Henry Brent And
that the said Brent pay to the said Taylor 400^l of Tobacco for
his trouble and charge in bringing them over the Bay.

Att a Councill held at the Citty of S^t Maryes the 26th day of
Sept^r 1688

Present

The Hon^{ble} { Coll. Vincent Lowe
Coll. Henry Darnall
Coll. W^m Digges
Coll. W^m Stevens
M^r Clement Hill

Allan Smith displa: } Ordered that by reason of the illness and
from being Sheriff } unfittness of Allan Smith present Sheriff of
Kent County. } Kent County to officiate in that Office that he
be discharged and that M^r Edward Sweatnam be appointed
Sheriff of said County in his room.

Att a Councill held at S^t Maryes the 2^d day of December 1688

Present

The hon^{ble} { Coll. Henry Darnall
Coll. W^m Digges
Maj: Nich^o Sewall
M^r Clement Hill

Let: from his Lop in } James Heath Clk of the Councill haveing
fav. James Heath and } been for sometime soe appointed by order of
Com: for Clk Co. and } this Board and likewise to be Clk of the upper
upper house Assembly } house of Assembly now produced a Comis-
produced. } sion from his Lo^p for the same and alsoe a letter from his
Lordship in favour of said Heath the which foll: in these words.

Gentlemen

Letter These are to give you to understand that M^r James
Heath whom by a Comission under my hand I have ap-
pointed to be Clk of my Councill and Assembly in Maryland,
has been soe well recommended by persons of good note here,
as has alsoe soe well behaved, and discharged himself towards
me and my Government, since he has resided here that I have
good reason to encourage him to remain in my service with
you, Wherefore I must desire you to countenance him and
shew him your kindness and favour therein, by which means

p. 122 he will very cheerfully proceed in all business that shall be

comitted to his charge, I am very confident he will by his respect to you and his good comportment to all others there, deserve your favour, wh^{ch} I have assured him he will at all times receive from you, as I alsoe assure you that in soe doing you will perform that which will be very kindly taken by me

Liber B.
P. R. O.

I rest Gentlemen

London 7ber 5th 1687.
superscribed.

Your very lo: Friend

C. Baltemore

To Coll. Vincent Lowe and the rest of my Deputyes of Maryland to be delivered when they sitt in Councill.

The said Heath's Comission for Clk of the Councill and Assembly is as followes viz:

Maryland ss./ C. Baltemore

James Heath } Charles absolute Lord and Proprietary of the
Com: Clk. } Provinces of Maryland and Avalon to James
Coun: and } Heath greeting; Out of the speciall trust and
Assembly. } confidence we have in your great care, trust and

fidelity and circumspection wee have ordeined and appointed

(Loc: Sig:) And by these presents wee doe ordein, constitute and appoint you the said James Heath to be clerk or register of our private, secret and continuall Councill as alsoe Clk of our Assembly within this our Province of Maryland, and to have and take to your own use all such usuall Fees, perquisites and rewardes as are at present settled and allowed or to be settled and allowed to the Clk of our Councill or to the Clk of our Assembly for the time being, wherefore you are from time to time and at all times hereafter (when and as often as there shall be occasion, or you shall be thereunto required) to give you due attendance at such place or places as wee shall think fitt to determine and appoint for summoning together our said Councill, to the end that due Register may be kept of all such matters, and things, as shall be there treated and concluded of; and you are likewise from time to time and at all times hereafter (when and as often as wee shall see occasion to convene the Delegates and Representatives of this our Province in a Generall Assembly) to give your like due attendance in the Upper house of our said Assembly, there to officiate as Clk of the same; and to keep true Record of all such matters and things, as shall then and there be done and acted, and in all things you are to act and doe to the utmost of your knowledge, skill and endeavours as to the Place and Office of Clk of the Councill and Clk of our said upper house of Assembly may or of right ought to be done for the due execution of your said place and office, according to such orders, instructions or directions as you shall from time to time receive from us or our

Liber B. Lieut: Generall or other chief Governour or Deputy Governour
P. R. O. for the time being to have and to hold the said place and office
of Clk of our Councill and upper house of Assembly to you
the said James Heath for, and dureing pleasure. Given under
our hand and lesser seal at Armes this 5th day of Sept: 1687.

Coll. Stevens Military
Officers Comissions
ordered.

Coll. W^m Stevens haveing sent to the
Clerk of the Councill a list of Military
Comiss: Officers that he desires might be
allowed of by their Hon^{rs} the same were allowed of and ordered
that they have Comissions accordingly their names being as
foll: viz:

Under Coll. W^m Stevens Coll. of the Horse in Sum: County
Capt: Francill Jenckins
Lieut: Thomas Newbold
Cornet John King
Tho: Winder Cornet to
Capt: John Winder
Charles Ratcliff Capt: Lieut: to Coll. Stevens
Under Coll. W^m Coulbourn Coll. of the Foot in the said County.
Will^m Coulborn Jun: Capt: Lieut:

At a Councill held at the City of St Maryes the 8th day of
Dec: 1687.

Present

The hon^{ble} { Coll. Henry Darnall
Coll. W^m Digges
Maj. Nicholas Sewall

Procl: about Att the request of his Lordships chief Rangers
Rangers. was ordered the following Proclamation to issue viz:

By the Deputyes Lieut^s
Maryland A Proclamation

Whereas divers complaints have been made to us by severall
of the Inhabitants of this Province that the Subrangers or
Rangers impowered or pretend to be impowered by the Hon^{ble}
Coll: Henry Darnall and the Hon^{ble} Coll. W^m Digges his Lord-
ship's chief Rangers of this Province doe them great damages
in their Stocks and Hoggs and Cattle and alsoe at request and
desire of his Lordship's chief Ranger's aforesaid, Wee the said
p. 124 Deputyes Lieut: doe hereby publish and declare that all Com-
issions, Powers, Grants and authorities made by his Lo^{ps} chief
Rangers aforesaid, or by their order beareing date before the
date of this Proclamation are hereby made voyd and of none
effect, and the persons soe comissioned, empowered and
authorized and all others pretending to act in the manner of a
Ranger or Subranger are hereby comanded to cease further to

act in that imploy untill they shall after the date of this Procla-
 mation obtain Lycence and Power from his Lords^{ps} Chief
 Ranger aforesaid soe to doe and the severall Sheriffs of this
 Province are hereby required to make Publick Proclamation
 here of in the most Publick Places of their respective Countyes.
 Given at S^t Maryes under the great Seal of this Province the
 8th day of xber in the XIII year of the Dominion of the R^t
 Hon^{ble} Charles &c. Ann: Dom: 1687.

At a Councill held at S^t Maryes the 31st day of December 1687.

Present

the Hon^{ble} { Coll. Henry Darnall
 Coll. W^m Digges
 Maj. Nich^o Sewall

Tho. Clegatt appted
 one of the Corroners
 Calvert County. } Capt: Thomas Clegatt of Calvert County
 being admitted humbly prayed he might
 have Comission for one of the Corroners of
 said County the which was granted him and Ordered that he
 have Comission therefore accordingly.

John Craycroft
 discha^d from being
 Corr: Cal: County } M^r John Craycroft one of the Corroners of
 Calvert County humbly prayed to be dis-
 charged from that office and further prayed
 that the same might be conferred on his son Ignatius Craycroft
 the which was granted and Ordered that Precept issue to M^r
 John Craycroft of Calvert County comanding him to cease
 further to act as one of the Corroners of the said County and
 that M^r Ignatius Craycroft have a Comission therefore.

Att a Councill held att the City of S^t Maryes the 18th day of
 Jan: 1687.

Present

The Hon^{ble} { Coll. Henry Darnall
 Coll. W^m Digges
 Maj. Nich^o Sewall

Fred Ellis informes
 agt Com^{rs} Sum: Coun: } Whereas their Hon^{rs} together with Clem-
 ent Hill Esq^r another of the Deputyes
 Lieut^s had formerly recommended by letter one Frederick
 Ellis to the Com^{rs} of Sumersett County Court to be Cryer of
 the said Court the said Ellis came and informed their Hon^{rs}
 that having made his Application to the said Com^{rs} they slighted,
 rejected and spoke contemptibly of the said letter whereupon
 Com^{rs} Sum: it was Ordered that Capt: David Brown President of
 Co: sum^o the said Court and one Poole an Attorney be sum-
 moned to make their appearance here the first day of the next
 Provinciall Court to answer the said contempt and Sum^o ac-
 cordingly issued.

Liber B.
 P. R. O.

P. R. O.
Colonial
Papers.

Copy of King James' Lettre to
My Lord Baltimore upon
the Treaty of neutrality with
France in America.

James Rex.

Right Trusty and welbeloved, Wee greet you well.

Whereas for the composing of several disputes and differences that have arisen between our Subjects and the Subjects of our good brother the most Christian King in America, and for the preventing furthur occasions of controversy in those parts, Wee have lately thought fitt to constitute and appoint Comm^{rs} to treat with the Commissioners appointed by our said good Brother the most Christian King for the purpose aforesaid, as also to settle and determine the Bounds and Limits of the Colonies Islands and Territories within our respective Dominions or depending on us in America for the Accomplishm^t whereof a furthur time will be requisite in regard of the distance of those Places from whence the necessary Informations are to be received. We have therefore authorized and empowered our said Commiss^{rs} to sign and seal an Instrument with the Commissioners of the most Christian King for the preventing all Acts of Hostility or violent proceedings between our respective Subjects, a copy whereof is herewith sent to you, and we do accordingly expect from you a conformity to our Directions herein, by avoiding all occasions of misunderstanding between our Subjects and those of the most Christian King without permitting any hurt to be done them in there persons or Estates until the 11th day of January 1688/9 and after that time until Wee shall send you new Orders under our sign manual it being our pleasure that you entertain a good correspondence with the Governor & Officers of the said King in those parts & take care that no just Complaints be brought unto Us against you in that behalfe and soe Wee bid you heartely Farewell from our Court at Whitehall this Twenty Second day of January 1687, in the Third Year of Our Reign.

By His Majesties Command.

Sunderland L^d.

To our right Trusty & well beloved Charles L^d Baltimore,
Lord Proprietary of our Province of Maryland in America.

The above written is a true Copy of the Original L^{re} & superscription which is ready to be produced on occasion for their Maj^{ties} Service, attested by me

N^s Blakiston
Collector R^s

Maryland,
November 26th 1689.

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